

ANDREEA-MARIA SĂRMAȘIU

INVESTIGATING THE TRANSLATABILITY OF LEGAL TEXTS:



Designing Effective Transfer Strategies for
Legal Translations

Presă Universitară Clujeană

Andreea-Maria Sărmaşiu

•

**INVESTIGATING THE TRANSLATABILITY
OF LEGAL TEXTS**

*Designing Effective Transfer Strategies
for Legal Translations*

ANDREEA-MARIA SĂRMAȘIU

**INVESTIGATING THE TRANSLATABILITY
OF LEGAL TEXTS**

***Designing Effective Transfer Strategies
for Legal Translations***

**PRESA UNIVERSITARĂ CLUJEANĂ
2024**

Referenți științifici:

Prof. univ. dr. habil. Anca Luminița Greere

Universitatea Babeș-Bolyai, Cluj-Napoca

Prof. univ. dr. habil. Daniel Dejica

Universitatea Politehnica, Timișoara

ISBN 978-606-37-2160-1

© 2024 Autoarea volumului. Toate drepturile rezervate.
Reproducerea integrală sau parțială a textului, prin orice
mijloace, fără acordul autoarei, este interzisă și se pedep-
sește conform legii.

Universitatea Babeș-Bolyai

Presa Universitară Clujeană

Director: Codruța Săcelean

Str. Hasdeu nr. 51

400371 Cluj-Napoca, România

Tel./fax: (+40)-264-597.401

E-mail: editura@editura.ubbcluj.ro

<http://www.editura.ubbcluj.ro/>

Motto: *“The only way to do great work
is to love what you do.
If you haven't found it yet,
keep looking.” (SJ)*

To my parents...

*'All that I am or ever hope to be,
I owe to my parents and God.'*

Table of Contents

List of Abbreviations	9
List of Figures	10
List of Tables	12
 Foreword.....	 13
Introduction	15
 CHAPTER 1. Situating Legal Translations within Translation Studies	 21
1.1 An Outline of Theoretical Descriptions of Translation	21
<i>Describing Translation Across Different Approaches</i>	<i>21</i>
<i>Translation Explored Through Interdisciplinarity</i>	<i>22</i>
<i>Translation: product and process-oriented perspectives</i>	<i>24</i>
1.2 Translation versus Legal Translation.	
Specificities of Legal Translations	27
<i>Legal translation – discipline-based and language-oriented research</i>	<i>28</i>
<i>Legal translation - communicative action with communicative purpose</i>	<i>30</i>
<i>Legal translation – a study of professional practice.....</i>	<i>30</i>
 CHAPTER 2. Determining the Translatability of Legal Texts through Theoretical Approaches	 33
2.1 Legal translation process – a system of components working together ..	34
<i>Comparative Law</i>	<i>35</i>
<i>Text typologies. Legal text typologies.....</i>	<i>38</i>
<i>Linguistic and linguistic-legal conventions</i>	<i>38</i>
<i>Legal conventions</i>	<i>42</i>
<i>Principles of Translation. Overview of main principles of translation.....</i>	<i>45</i>
<i>Equivalence</i>	<i>46</i>
<i>Conventionality.....</i>	<i>50</i>
<i>Functionality.....</i>	<i>52</i>

2.2 Specific problems and strategies for legal translations.....	53
<i>Describing translation problems</i>	54
<i>Classification of translation problems</i>	54
<i>Classification of strategies</i>	59
2.3 Professional Competences for Tackling Legal Translations	64
Conclusion and Theoretical Implications	70
 CHAPTER 3. Researching Legal Translation.	
Applying Specific Strategies in the Legal Translation Process	73
3.1. Replicating the theoretical approach towards a practical approach. Textual analysis through specific problems and strategies for legal translations	74
<i>Design and Selection of the Text Corpus</i>	74
<i>Analysis of textual and extratextual features, problems and strategies</i>	78
<i>Differences in language and cultural conventions</i>	78
<i>Elements of legal writing</i>	95
3.2 Converting the Theoretical Approach towards a Practical Approach. A Reclassification of Specific Problems and Strategies via a Legal Virtual Workshop	119
<i>Translation process. Pre-translation phase. Client–Translator relationship. Guidelines</i>	120
<i>Translation phase (I). Equivalence. Conventionality. Functionality</i>	122
<i>Translation phase (II). Specific problems and strategies</i>	123
<i>Post-translation phase. Translator and translation competence</i>	127
<i>Maintaining and developing competences. Longitudinal approaches for Continuous Professional Development</i>	129
Conclusion and Practical Implications.....	133
 Conclusion	135
 Bibliography	137
Appendices	161

List of Abbreviations¹

Abbreviation	Meaning	Page
CPD	continuous professional development	175
EU English	European English	89
RO-EN	Romanian-English	97
SL	source language	13
ST	source text	20
TB	Translation Brief	79
TL	target language	13
T.O.S.T.A	Translation-Orientated Source Text Analysis	43
TT	target text	42
UK English	British English	85
US English	American English	85

¹ The table describes the significance of various abbreviations used throughout the book. The page on which each one is first used is given.

List of Figures

Figure 1 - The map of disciplines (Hatim and Munday, 2004:8)	23
Figure 2 - Visual representation of the elements contributing to an interdisciplinary analysis of translation, based on Williams and Chesterman (2002)	26
Figure 3 - Visual representation for legal conventions regarding text types according to European Commission (2022), Corbescu (2020) and Slapper and Kelly's (2017) categorization.....	44
Figure 4 - Visual representation of translation problems	55
Figure 5 - Visual representation of Haigh's classification of legal translation problems (2009)	58
Figure 6 - Visual representation of Chesterman categorization of translation strategies (1997)	63
Figure 7 - TransLET Corpus (I) - 'Equivalence' filters	75
Figure 8 - TransLET Corpus (II) - 'Conventional' filters.....	76
Figure 9 - TransLET Corpus (III) - 'Functional' filter.....	77
Figure 10 - Visual representation of Pre-translation phase guidelines/ instructions	120
Figure 11 - Visual representation of conditions transposed into instructions a translator expects from a potential client	122
Figure 12 - Visual representation of the applicability of principles of translation.....	123
Figure 13 - Visual representation of the reclassification of problems according to the theoretical model proposed by Nord (1991) and the validation of the teams during the legal translation workshop (2021).....	125
Figure 14 - Visual representation of the second reclassification of problems according to the theoretical model proposed by Nord (1991) and the validation of the teams during the legal translation workshop (2021).....	126

Figure 15 - Visual representation of the reclassification of translation strategies according to the validation of the teams during the legal translation workshop (2021)	127
Figure 16 - Competences.....	128
Figure 17 - Continuous professional development (CPD) for (legal) translators	130
Figure 18 - time spent for CPD activities	130
Figure 19 - Main benefits experienced in relation to CPD.....	131
Figure 20 - Main challenges experienced in relation to CPD	132

List of Tables

Table 1 - Visual representation adapted from Newmark's classification of translation methods (1988) used as strategies (in Ordudari, 2007)	61
Table 2 - Visual representation adapted from Newmark's classification of translation procedures (1988) used as strategies (Ordudari, 2007).....	62
Table 3 - Visual representation adapted from Newmark's classification of translation procedures (1988) used as strategies (Ordudari, 2007).....	62
Table 4 - LEX T.O.S.T.A model adapted from Nord's (1991) and Barabino's (2020) models	79
Table 5 - Visual representation of teams' proposals regarding legal translation problems.....	124

Foreword

This book offers an insightful analysis supported by a comprehensive interpretation of materials, a detailed categorization with theoretical and practical implications, and conclusions based on arguments validated through engagement with professionals and academics, alike. Based on relevant research within the field of translation, the author's main aim is to identify specific problems encountered as part of the interlingual and intercultural transfer of legal texts, and to correlate these problems with effective translation strategies leading to the production of functional, qualitatively adequate texts that resonate with the target audience. Employing a functionalist framework as filter, the author investigates the implications arising from the transfer of extratextual and intratextual elements which influence translation decisions in professional contexts and guide pedagogical practices in the training of future translators.

The concept of "optimal translatability" (Neubert) presents multiple directions for linguistic, translational, professional, and educational analyses, establishing decision parameters according to contextual factors and specific orientations. The author proposes an innovative approach while tackling translation out of the mother tongue, particularly from Romanian into English. Despite its controversial nature, translation into a foreign language, frequently motivated by contextual and commercial limitations, is re-gaining academic and professional traction. Indeed, the European Commission's Directorate-General for Translation has also been proposing various research platforms aimed at enhancing the quality of outputs from translations out of the mother tongue. As such, the book demonstrates alignment with internationally promoted scientific research which aims to present findings capable of informing both professional and academic environments.

The book draws upon a comprehensive and meticulously analysed bibliography. This serves as a basis for the author's theoretical remodelling and the resulting systematizations which demonstrate practical applicability. The author's interest is to contextualize the implications for translational transfer and to propose methodological approaches that lead to optimal transfer solutions for adequate reception.

Professor Anca Luminița Greere

Introduction

Numerous scholars (Nord, 1991; Šarčević, 1997; Decaudin and Popineau, 2019) state that legal texts are translated for a purpose or for legal specific needs depending on the context, personal or professional. Under these circumstances, the translator should possess the ability of understanding the legal context of the source text in order to identify the problems and the strategies for the translation. In other words, the translator should find the answers to the questions *why, for whom and for what purpose* the legal source text is translated to be able to determine the level of translatability of the legal text.

This book is focused on the achievement of optimal translatability of legal texts which depends on specific components of the legal translation process. Legal translation requires general and specialized knowledge and competences, involves the correct identification and appropriation of traditions, methods and language aspects, and supposes the development of an interdisciplinary approach. We propose to demonstrate the possibility and the need of achieving optimal translatability of legal texts through two models of analysis, a theoretical and a practical model, both based on the specificity of legal translation as a context-dependent activity.

As many researchers and scholars have mentioned (Gemar, 1979; Nord, 1991; Cao, 2007; Haigh, 2009; Pizzuto, 2014), legal translations will invariably pose numerous problems, both when tackled for academic or professional purposes. Our book aims to investigate the translatability of legal texts by merging theoretical and practical approaches into a workable model to be efficiently applied for professional and academic contexts, alike. The current work proposes to identify the specific aspects influencing the translatability of legal texts through the use of the theoretical apparatus and textual and extratextual demonstrations, and to further analyse them from an interdisciplinary perspective. Following the identification of problems which need to be tackled in legal translation, our aim is to validate their presence and determine key strategies and competences applicable when engaged with the process of legal translation. Moreover, the intention to apply a present-day lens onto what is otherwise a long tradition in translation studies and practice

represents another strong reason to be involved in this challenging journey of discovering legal translation and the implications for its translatability as presented through different legal systems, different linguistic systems, different terminologies and cultures.

With a view to eliciting relevant aspects of legal translation, our book follows some important directions and offers focus and insights on some important features. First of all, on the translatability of Romanian legal source texts into English by applying methods derived from the use of translation principles such as *equivalence*, *conventionality* and *functionality*. This first direction outlines the aspects that define the equivalence from the source language to the target language; the identification of the general characteristics of a text analysis and the conventional elements of the legal texts; the effects that the implemented functional theories can produce in legal translation. Secondly, on the delimitation and the exemplification of the criteria leading to the identification of applicable text typologies in legal translation. This direction emphasizes the criteria chosen in order to establish the applicable text typology in legal translation; the effectiveness of those criteria and their integration in a methodological approach. Thirdly, on the identification and the selection of problems and strategies used during a translation process in order to demonstrate the translatability of the given text. Furthermore, on the identification of the challenges different stakeholder groups (legal translators, other professionals, or translation educators and students in translation studies) are faced with in their professional or academic field and their reinterpretation and validation in a methodological, learning or translation approach. Lastly, on the identification and the application of specific competences in the legal translation field.

Our book aims to investigate the translatability of legal texts from the perspective of two particular contexts: translation as process-oriented approach and translation as product-oriented approach, by analysing some essential components during our demonstration. From a methodological point of view, in order to develop this investigation, we first conducted a literature review and reported on the main aspects to be retained for the book, then we classified and applied the theoretical components towards a demonstration of practical applicability, and finally we used a combined approach (textual and extratextual analysis) for gathering views and validating the application model proposed. We selected from relevant literature of scholars who established or continued important theories a foundation of concepts to represent the starting point for our demonstration regarding the translatability of legal texts. In order to move from the theoretical to the practical approach, we used two types of

analysis, a textual analysis and an extratextual analysis. The textual analysis involved the creation of a corpus of 100 texts relevant in identifying problems and establishing effective translation strategies. The extratextual analysis involved the organisation of two different activities, a workshop and a questionnaire, the results obtained and analysed from a qualitative and quantitative point of view adding to this combined perspective. Thus, we identified the relevant literature and made a selection of theories leading us to achieve our objectives. And, we used content analysis and observations for the textual analysis, but also experiments accompanied by descriptive statistics and surveys in order to support our demonstration.

During the book, we divided our work into two main approaches enabling us to design effective strategies: a theoretical approach (legal, linguistic and terminological distinctiveness) and a practical approach (the academics and professionals co-working). These approaches will be presented under 3 chapters. The first chapter (*Situating Legal Translations within Translation Studies*) is dedicated to the analysis of translation and legal translation through an interdisciplinary approach based on the interaction between Translation Studies and other disciplines. A categorization of translation based on academic and professional perspectives is set out and this categorization is extended to legal translations. The first subchapter (*An Outline of Theoretical Descriptions of Translation*) describes translation from the academic perspective (scholar's activity), the reader's perspective (means of encouraging and helping TL reader) and the translator's perspective (means of offering a pragmatic choice). Therefore, translation is described as a discipline-based and language-oriented research in connection with traditions, methods and priorities, as a communicative action with a communicative purpose and as a professional practice. The second subchapter (*Translation versus Legal Translation. Specificities of Legal Translations*) continues the ideas developed during the first subchapter, also proposing three perspectives of describing translation, this time legal translation. The first perspective outlines two dimensions of translation, *translation as discipline-based* and as *language-oriented research*. The second perspective emphasizes the development of translation in a particular context, as communicative action, with communicative purpose, being able to reproduce the same relationship between translation as process and translation as product. The third perspective highlights the study of legal translation as a professional practice governed by specialized methodologies and competence, quality control, training and sociological aspects. The first chapter establishes some very important directions for our book regarding the categorization of (legal) translation and the main perspective applied in its

analysis. The first direction emphasizes that translation in general, but also legal translation, is described as a process and as a product if we apply Translation Studies approaches, but similarly if we apply interdisciplinary approaches. The second direction illustrates that the performance of (legal) translation is made in a context, a context described by methodologies, interests, connections, which means (legal) translation is a context-dependent activity that leads to a context-dependent product.

The second chapter (*Determining the Translatability of Legal Texts Through Theoretical Approaches*) is dedicated to the identification of the main components of the legal translation process that can lead us to effective strategies used during the translation process in order to achieve the optimal translatability of legal texts. The first subchapter (*Legal Translation Process – a System of Components Working Together*) presents three main components identified during the theoretical approach. The first component is *comparative law* and the understanding of different legal systems and their correct transfer from the source text to the target one. The second component is *text classification* through a retrospective of the linguistic and legal conventions. The selection of the specific text types in this particular field implies the identification and the implementation of different legal and linguistic conventions in order to prove a good knowledge of the meaning that needs to be rendered in the form of semantic, syntactic or other textual elements, and of the content in the form of cultural or pragmatic aspects that contribute to the preservation and rendering of conventional forms specific to the legal text. The third component is the use of *principles of equivalence, conventionality and functionality* during a legal translation process. The main features exposed are the aspects that define the equivalence from the source language to the target language; the general characteristics of text analysis and the particular elements of the legal texts that offer the conventional aspect of the source text/ target text; the effects that the implemented functional theories can produce in the legal translation. The second subchapter (*Specific Problems and Strategies for Legal Translations*) investigates different problems and strategies which are reflected in the double transfer of knowledge and competences, from theory to practice (e.g., the translator should be reliably informed about the specificities of both source and target legal systems) and from practice to theory (e.g., the translator should have the knowledge about the source and target language requirements regarding legal and linguistic aspects of texts formats). This is coupled with continuous professional development initiatives allowing for constant updates of knowledge and practices to ensure that the translator is aware of the directions promoted through theoretical notions and can continuously adapt to the progress and requirements of the market in order to deliver a final quality product for clients. In Translation Studies literature these problems and strategies have been defined and classified over time by various scholars, but the question that arises in this

particular context determined by the desire for continuous professional development is: *could these problems and strategies be reclassified according to client/market's requirements and translators' competences?* The last subchapter (*Professional Competences for Tackling Legal Translations*) analyses translation competence as a contextual skill, more exactly a transfer of contextual skills from the knowledge field to the practice and vice versa. This mutuality allows the integration of translation competence in the spectrum of competences, under the possibility of the transferable characteristics from translation field to the legal translation field, from the academic medium to the professional one, from a formal context to a non-formal one, from discipline to practice.

In the course of our book, we will highlight two models of designing effective strategies for legal translators: the theoretical approach through legal, linguistic and terminological distinctiveness and the practice-based approach, an interdisciplinary endeavour applied through academic and professional co-working; thus, linking professional practice with translation training.

The theoretical approach is transferred from the theoretical chapters to the third chapter (*Researching Legal Translation Applying Specific Strategies in the Legal Translation Process*) through a textual and extratextual analysis in order to validate the theoretical information and the practical experience. The practical approach, the academic and professional co-working, aiming to link translation training with professional practice, has two parts: a textual analysis and an extratextual analysis.

The objectives set for our book, the theoretical and practical analysis, the findings obtained at the end of our research, all these aspects highlight the importance of reciprocity and mutuality regarding the study of the components which form the legal translation process, all characteristics that lead to effective strategies in order to achieve optimal translatability of legal texts. Moreover, this complex analysis brings to our attention a possible discussion of interest on how perceptibility, comprehensibility, acceptability or real settings of legal interaction will set new horizons in the research of these comprehensive legal translation preoccupations.

Consequently, here are three categories of professional addressees who would benefit from our book: those who have undergone specialized university studies and have to maintain and further develop their competencies; those who add the legal field as a new field to their portfolio of practice; those who come to the translation field from other fields and reprofessionalize, re-skilling and upskilling. Additionally, due to its multiple references to the training environment, we advocate impact and usability of the current study by translation educators, researchers and students, working within an academic context.

CHAPTER 1.

Situating Legal Translations within Translation Studies

Our investigation into legal translations starts with a first chapter dedicated to reflections on different theoretical perspectives in relation to translation and legal translation, by conducting a literature review. We aim to categorize translation through academic and professional perspectives and to extend this categorization to legal translations, describing legal translations through an interdisciplinary approach based on the interaction between Translation Studies and other disciplines. Our analysis focusses on the context-based specificities determining catered approaches in legal translations.

In what follows, our objectives are to present an accurate categorization of translation, and implicitly legal translation, through different and valid perspectives in order to demonstrate the specificity of legal translation through an interdisciplinary analysis, with focus on translation as a process and translation as a product.

1.1 An Outline of Theoretical Descriptions of Translation

The description of translation presupposes an accurate reflection on the different perspectives different actors may take when proposing to categorize translation and its main characteristics. In what follows, the research starts by describing the academic and professional perspectives and sets out a categorization of translation based on an analysis through Translation Studies and other disciplines under an interdisciplinary approach.

Describing Translation Across Different Approaches

There has been a long on-going debate across centuries about how to describe translation. The period of industrial capitalism and colonial expansion

up to the First World War brought about the main directions for translation typology, translation being defined from an academic perspective as “a scholar’s activity, where the pre-eminence of the SL [source language] text is assumed de facto over any TL [target language] version” (Bassnett, 2002:76). From the reader’s perspective translation is “a means of encouraging the intelligent reader to return to the SL original” (Bassnett, 2002:77), and as “a means of helping the TL reader become the equal” (Bassnett, 2002:77) of the SL reader. Concerning the translator’s perspective, translation is viewed as a means of offering a pragmatic choice to the TL reader and “through which the translator seeks to upgrade the status of the SL text because it is perceived as being on a lower cultural level” (Bassnett, 2002:77). In this context, translation is described as an activity and a product at the same time, with its own significations and functions given by its main ‘actors’, *scholars-translators-readers*, and revealed within these descriptions which form the history and the contemporary approach of Translation Studies as a field.

This view is reinforced by Mounin (1963), the French theorist, who in *Les problèmes théoriques de la traduction* establishes the position of translation between the starting point and the end product (significations and functions) within a given culture (history and contemporary approach); but also by Bassnett (2002) who underlines this essential synchronic relation between the history and the present of translation activity, and the necessity of not approaching it only “from a narrowly fixed position” (Bassnett, 2002:80), but of extending the analysis of translation as activity and product through an interdisciplinary approach.

Translation Explored Through Interdisciplinarity

The idea of analysing translation through an interdisciplinarity approach is best exposed in a map of disciplines presented by Hatim and Munday (2004). In their work, they connect translation to linguistics, literary studies, cultural studies, language engineering and philosophy (Hatim and Munday, 2004:8).

The analysis of translation as activity through an interdisciplinarity approach is also presented by Catford (1965) in *A Linguistic Theory of Translation* in connection with, but also being considered a component of linguistics, translation being defined as “the replacement of textual material in one language (SL) by equivalent textual material in another language (TL)” (Catford, 1965, 20). From the same perspective, of the interdisciplinarity, Lefevere (1976) in *Louvain Colloquium on Literature and Translation* connects translation with

historical, cultural, linguistic and poetic areas. If we compare the map of disciplines proposed by Hatim and Munday (2004), and the classification offered by Lefevere (1976), we will observe that we can narrow the latter classification and obtain a mixed classification in connection with cultural studies, literary studies and linguistics. This interdisciplinary approach conducts us to an analysis of translation as product-oriented translation within cultural studies, which means according to Lefevere (1976) a closeness to SL text, and a process-oriented translation within literary studies and linguistics, which means, according to the same scholar (1976), obtaining a valid TL text in a particular language.

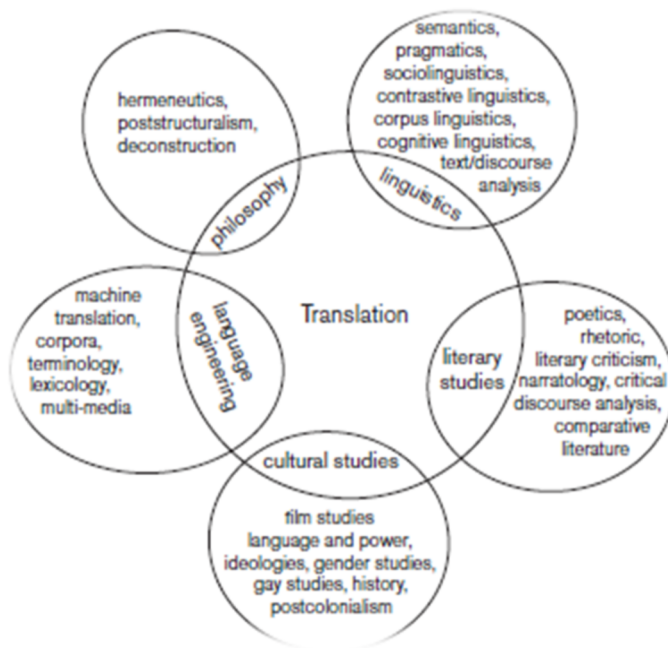


Figure 1 - The map of disciplines (Hatim and Munday, 2004:8)

Gémar (1979) claims that the role of interdisciplinarity is very important in a legal translation activity and offers a non-exhaustive list of disciplines that need to be studied and analysed in accordance with the specificity of legal translation field:

An interdisciplinary approach to legal translation seems to be the most logical, the most practical solution. But by interdisciplinarity we must not only understand history, linguistics or political science. Economics, philosophy, sociology and, possibly, theology (canon law) and social psychology are

disciplines whose absence could distort the judgment of an uninformed person. This list is certainly not exhaustive.

(Gémar, 1979 :51, [tr. n.])²

Translation: product and process-oriented perspectives

As we could see above, scholars support a product-oriented translation, but also a process-oriented translation. Nida and Taber (1982) in their work *The theory and practice of translation* talk about these two types of translation as *the old and the new focus* in translating, underlining that:

The older focus in translating was the form of the message, and translators took particular delight in being able to reproduce stylistic specialties, e.g., rhythms, rhymes, plays on words, chiasmus, parallelism, and unusual grammatical structures. The new focus, however, has shifted from the form of the message to the response of the receptor. Therefore, what one must determine is the response of the receptor to the translated message. This response must then be compared with the way in which the original receptors presumably reacted to the message when it was given in its original setting.

(Nida and Taber, 1982:1)

“The old focus in translating” is defined by the form of the message, while “the new focus in translating” is described by the way in which the receiver reacts to the message. Therefore, we can contextualize these associations and put the old focus under a source text or ST-oriented translation, which means a product-oriented translation according to Lefevere (1976), and the new focus under a target text or TT-oriented translation or a process-oriented translation according to the same scholar.

The same ST-oriented and TT-oriented approaches are promoted by three prominent translation scholars: Reiss (1971), Vermeer (1984) and Nord (1997), who have a complementary contribution to the development of the functionalist approach to the analysis of translation (we will talk about this approach in our next chapter). Under the text-linguistic approach, Reiss (1971) focuses on the product and process-oriented translation, the source text being transferred into a target language and culture guided by textual aspects. Under the functionalist approach, Vermeer (1984) highlights the discussion around

2 « Une approche interdisciplinaire de la traduction juridique semble être la solution la plus logique, la plus pratique. Mais par interdisciplinarité il ne faut pas seulement entendre l’histoire, la linguistique ou les sciences politiques. L’économie, la philosophie, la sociologie et, éventuellement, la théologie (le droit canon) et la psychologie sociale sont autant de disciplines dont l’absence pourrait fausser le jugement d’une personne non avertie. Cette liste n’est surement pas exhaustive. » (Gémar, 1979:51)

skopos in order to define the aim of a translation (product-oriented aims), but also the action of translating (process-oriented aims). The aim of the translation, as we will observe in the second chapter of this book, determines the translation effective strategies applied during the translation process in order to produce a functional text. Reiss and Vermeer (1984) developed a series of desiderata as part of *skopos* in connection with the target text (*translatum*) that need to be determined by a purpose, to offer an information in a target culture, and to be coherent (Reiss and Vermeer, 1984:119). In line with this, Nord (1997) defines translation as an act of communication and a communication process, so both producer/ translator and receiver/ public transfer meaning(s). The same transfer of *meaning* is mentioned by Bassnett (2002) who emphasizes that:

Translation involves the transfer of ‘meaning’ contained in one set of language signs into another set of language signs through competent use of the dictionary and grammar, the process involves a whole set of extra-linguistic criteria also.

(Bassnett, 2002:22)

Therefore, guided by the idea that the target text needs to be determined by a purpose and associating the transfer of meaning and all the extra-linguistic criteria with the process of translation, we can highlight the ST-oriented side of the translation. This ST-oriented side is complemented by the TT-oriented side of the translation, Munday (2001) in *Introducing Translation Studies*, emphasizing it by describing translation from three directions:

The term translation itself has several meanings: it can refer to the general subject field, the product (the text that has been translated) or the process (the act of producing the translation, otherwise known as translating). The process of translation between two different written languages involves the translator changing an original written text (the source text or ST) in the original verbal language (the source language or SL) into a written text (the target text or TT) in a different verbal language (the target language or TL).

(Munday, 2001:4-5)

Munday highlights the idea of the synchronic relation between history and the present of translation through three representative meanings: subject field, product and process, meanings which are afforded particular attention by Williams and Chesterman (2002) in their paper *The Map: A Beginner’s Guide to Doing Research in Translation*. Here, they present the translation as a product-oriented and a process-oriented approach studied under the discipline of Translation Studies which interacts with other disciplines through historical and contemporary interdisciplinarity (Williams and Chesterman, 2002:6–27).

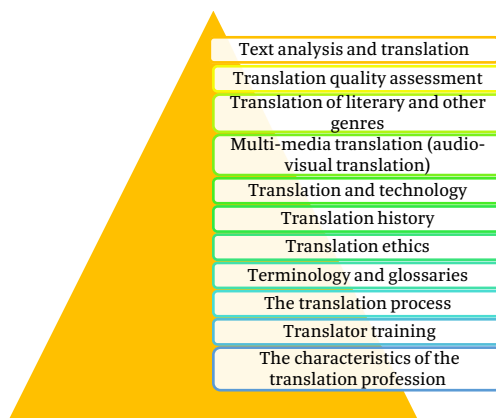


Figure 2 - Visual representation of the elements contributing to an interdisciplinary analysis of translation, based on Williams and Chesterman (2002)³

If we take a closer look at the visual representation (Figure 2), a categorization of translation as product-oriented and process-oriented approach is established through Translation Studies in connection with other disciplines. First of all, we can observe a description of translation as a product (Text analysis and translation – Figure 2) and as a process (The translation process – Figure 2). Also, we can notice some disciplines outlined in Hatim and Munday's map (2004) which interact with Translation Studies under the interdisciplinary approach (literary studies in connection with translation of literary and other genres; linguistics and textual analysis; cultural studies and translation history, but also language engineering associated with translation quality assessment, multi-media translation, technology). Furthermore, we can recognize some particular elements included in this interdisciplinary approach to be used as transfer strategies in the translation process in order to transform it into an act of communication (translation as a purposive action), such as ethics, terminology or training (Figure 2).

Translation can be defined as a product-oriented and process-oriented activity (a textual adaptation to a requested situation) through an interdisciplinary approach composed by approaches highlighted under Translation Studies and the recognition of its interaction with other disciplines. Such double focussed approach allows for effective strategies to be applied in order to obtain an adequate transfer from the source text to the target text, as Greere (2003) affirmed in *Translating for Business Purposes*:

³ Copyright: Visual representation created by the author

Translation is no longer a linguistic shift but rather a textual adaptation to a requested receptive situation-in-culture. The translator provides a service of consultancy involving the lingua-cultural transfer. He is foremost a text producer with knowledge and skills in comparative and contrastive issues of the source and target lingua-cultures, which are applied on the ST [source text] information in order to incorporate task descriptive necessities.

(Greene, 2003:17)

For the purposes of our study, we retain the description of translation from the academic perspective (scholar's activity), the reader's perspective (means of encouraging and helping TL reader) and the translator's perspective (means of offering a pragmatic choice) because in the following subchapter, these three perspectives are analysed and placed in the particular context of the legal field. In this specific context, translation is described as a discipline-based and language-oriented research in connection with traditions, methods and priorities (i.e. commensurate with the scholar's activity), as a communicative action with a communicative purpose (i.e. a means of encouraging and helping the reader to receive the new text, the text translated) and as a professional practice (i.e. a means of offering a pragmatic choice). Moreover, our book takes forward and makes use in the next phases of our research of the categorization of translation as a process and a product resulting from an interdisciplinary approach, guided by the interaction of Translation Studies with other disciplines.

1.2 Translation versus Legal Translation. Specificities of Legal Translations

In the first subchapter of the current chapter, we saw that translation can be described from three main perspectives: academic perspective or scholars' activity, readers' perspective and professional perspective or translators' activity. In this second subchapter, we aim to provide a more detailed analysis in the particular context of legal translations by outlining two dimensions of translation, translation as discipline-based research and as language-oriented research. The first dimension is conducted by translation scholars, terminologists, linguists and lawyers, each of them according to their own methodology and interest, from which we can deduce something we have already mentioned, namely the categorisation of translation as activity (the methodology and the interest lead to the development of the process of translation).

The second dimension, language-oriented research, describes translation as a product because it presupposes a mixt of language specific characteristics and traditions, methods and priorities. This second perspective will emphasize the development of translation in a particular context, as a communicative action, with a communicative purpose, being able to reproduce the same relationship between translation as process and translation as product. The third perspective will highlight the study of legal translation as a professional practice governed by specialized methodologies and competence, quality control, training and sociological aspects, this perspective reinforcing the idea of the importance of all elements which constitute translation as a process in order to obtain the product at the end.

Legal translation – discipline-based and language-oriented research

The first perspective, legal translation as discipline-based and language-oriented research, is set out by Biel and Engberg (2013) in *Research models and methods in legal translation* and they talk about the fact that legal translation is defined by two dimensions followed into legal research: “of researchers’ disciplines and of the languages or countries in which research is published” (Biel and Engberg, 2013:2). Following the first dimension, we will discover that research is carried out in different ways by translation scholars, terminologists, linguists and lawyers because they “tend to approach legal translation through a methodological lens and in line with interests prevalent in their disciplines” (Biel and Engberg, 2013, 2). A relevant example in this context is given by Pommer (2006) who in *Translation as Intercultural Transfer: The Case of Law* compares the attitude of lawyers and translation scholars. On the one hand, lawyers are interested in theoretical aspects such as comparative law, because law is “linked to the culture of a particular society and jurisdiction” (Pommer, 2006:18) and as a result “national legal systems are deeply rooted in a specific legal tradition and legal culture” (Pommer, 2006:18). On the other hand, translation scholars are interested in legal language because it is “a technical language with particularly close ties to the common language, which significantly heightens its culture-specificity” (Pommer, 2006:18). Also, they are engaged in a continuous theoretical (defining legal translation) and practical (solving problems) approach (Biel and Engberg, 2013). Moreover, extending the comparison to a third category, the linguists, they are interested in “the semantic, syntactic, pragmatic and discursive aspects of legal translation” (Biel and Engberg, 2013:2).

Moving to the second dimension, there is language-oriented research in relation to legal translations carried out in accordance with the “traditions, methods and priorities built around English, French, German, Spanish and Italian” (Biel and Engberg, 2013:2). If we talk about the connection between language-oriented research and traditions when we translate a legal document, G  mar (1979) is most clear on what legal translation means, emphasizing five main criteria that form the basis of legal translation: the nature of law (law's normative character), the legal language and discourse, the socio-political diversity of legal systems, the elements that influence the legal research and the legal pluri-disciplinary approach. Moreover, following the same path of traditions in legal translation/texts, Garzone (2000) affirmed that:

Legal translation is certainly among the varieties of translations where the translator is subject to the heaviest semiotic constraints at all levels; the language of law is typically formulaic, obscure, archaic; legal discourse is culturally mediated; legal texts have a special pragmatic status.

(Garzone, 2000:3)

This view is also shared by Barabino (2020) who points out that:

The main aspects that differentiate legal translation from translation in a broad sense are legal language, asymmetries and incongruences between legal systems and text typologies. Legal texts are written using a particular (legal) language and reflect the legal culture to which they belong so that the analysis of legal texts prior to translation is not only useful but also necessary.

(Barabino, 2020:287)

We can observe that both scholars have the same opinion regarding the connection that exists between language-oriented research and traditions (cultural aspects) during a legal translation activity, Barabino (2020) pointing out the particular writing format of legal texts that leads to the connection between language-oriented research and particular methods used in a legal translation process.

The notion of *priority* is used by Šarčević (1997) who states that the legal translation should not look after the correspondence between source and target text, but after the equivalent legal effects (Šarčević, 1997:71). The scholar adds the importance of prioritising the producer's intention reflected in the target text, rather than the fidelity to the source text: “the translator's first consideration is no longer fidelity to the source text but rather fidelity to the uniform intent of the single instrument, i.e., what the legislator or negotiators intended to say” (Šarčević, 1997:112).

Legal translation - communicative action with communicative purpose

The second perspective can be built on Nord's translation approach (1991) who points out that translation happens in a context, therefore it is a communicative action, with a communicative purpose. We can extend this point of view to the legal translation field and, in other words, for Šarčević (1997) the legal translation represents an act of communication in the system of the law. In the same vein, Chromá (2007) affirms that:

Translating legal texts means transferring legal information from one language and culture into another language and culture, considering the differences in the legal systems and the purpose of translation.

(Chromá, 2007:198-199)

We can observe that legal translation represents a communicative act with a communicative purpose by transferring legal information through language and culture aspects. Cao (2007) says that “legal translation is used as a generic term to cover both the translation of law and other communications in legal settings” (Cao, 2007:191). This means that the communicative action is developed through cultural and linguistic aspects (legal settings), the communicative purpose being offered by the reflection in the target language – culture – text of legal concepts, legal norms and application of laws from the source language – culture – text. These cultural and linguistic aspects will be developed through specific examples in Chapter 3.

Legal translation – a study of professional practice

The third perspective is offered by Prieto Ramos (2014) who in his paper *Legal Translation Studies as Interdiscipline: Scope and Evolution* defines legal translation as being a study of a professional practice governed by specialized methodologies and competences, quality control, training and sociological aspects. If we take a closer look at the previous perspectives, regarding the study of legal translation through discipline and language within traditions, methods and priorities, but also the study of legal translation as a communicative action with a communicative purpose, we can connect them to the third perspective. Traditions, methods and priorities are connected to specialized methodologies and sociological aspects, while discipline and language to competence and training. All these associations are done under a communicative action and purpose, emphasizing that, independent of the perspective stated, legal translation is performed through communication, which means rendering a

valid message from the source text to the target text, from the source language to the target language, from the source culture to the target culture.

In conclusion, we can observe that the first perspective with its two dimensions, discipline-based and language-oriented research, and the second perspective, communicative action with communicative purpose in a specific context, can be summarized in one mixed-perspective, in both cases legal translation depending on context because the methodology and the interest of scholars, linguists, lawyers is developed in a context, and also because the language-oriented research in connection with traditions, methods and priorities is made in a context. Therefore, from these two perspectives, legal translation is a context-dependent activity. Moreover, the study of legal translation as a professional practice is made also in a context because the demonstration of the validity and efficiency of specialized methodologies, competences and other aspects need to be done in a professional and/ or academic context. Consequently, all the three perspectives can be put under the description of legal translation as a context-dependent activity. For the purposes of our study, we will retain this perspective as a leading one in order to continue our demonstration during our next chapters.

If we look back at the objectives set at the beginning of the current chapter, we can affirm that due to the analysis performed above and the concepts retained as leading elements of our on-going demonstration, we established some very important directions for our study: the categorization of (legal) translation and the main perspective applied in its analysis. First, translation in general, but also legal translation, is described as a process and as a product from a Translation Studies approach (scholars' activity, readers' perspective and translators' perspective) but also from an interdisciplinary approach (discipline-based and language-oriented research, communication act and professional practice). Second, the performance of (legal) translation, especially as a process, but also as a product, is made in a context, a context described by methodologies, interests, connections, in brief by communication and purposes, which means (legal) translation is a context-dependent activity that leads to a context-dependent product. This demonstration will be continued in the next chapter, where we intend to establish how this context-dependent factor contributes to the identification and analysis of a connected notion: the translatability of (legal) texts.

CHAPTER 2.

Determining the Translatability of Legal Texts through Theoretical Approaches

In the nineteenth century, the translatability of texts became a main issue to be considered regarding the possibility or impossibility of transposing a concept from a source language to a target language (de Pedro, 1999:546). These attempts turned translation into a difficult process, because the transfer from the source text to the target text, namely the linguistic transfer, presupposes:

- a. That there will be terms which are specific to each linguistic community.
- b. That there will be concepts which are common to two or more linguistic communities and nevertheless, have different connotations in each of them.
- c. That each linguistic community structures reality in a different way, according to its own linguistic codes

(de Pedro, 1999:548)

This linguistic transfer is accompanied by the cultural transfer, both types of transfer presupposing a mixture of common features in order to achieve the translatability of texts. Under the argument of the differences between linguistic and cultural elements in consideration of a source text and a target text, Catford (1965) understands the concept of translatability by relating it to linguistic and cultural untranslatability and proposes two definitions (in de Pedro, 1999:551-552):

Linguistic untranslatability: “failure to find a TL [target language] equivalent is due entirely to differences between the source language and the target language”
(Catford, 1965:98)

Cultural untranslatability: “when a situational feature, functionally relevant for the SL [source language] text, is completely absent from the culture of which the TL [target language] is a part”

(Catford, 1965:99).

We retain from this perspective that, when an equivalent is found in the target language and when a relevant cultural feature is transferred from the source culture to the target culture, linguistic and cultural translatability is achieved during the transfer from the source text to the target text. In the question of textual translatability versus untranslatability through linguistic and cultural features, some scholars established a taxonomy of text types according to their degree of translatability, and one of them is Neubert (1973) who proposes four different categories (in de Pedro, 1999:553):

1. Texts which are exclusively source-language oriented: Relatively untranslatable.
2. Texts which are mainly source-language oriented (literary texts, for example): Partially translatable.
3. Texts which are both source-language and target-language oriented (as the texts written in language for specific purposes): Optimum translatability.
4. Texts which are mainly or solely target-language oriented (propaganda, for instance): Optimum translatability.

(Neubert in Wilss, 1982:114)

For the purposes of this study, in accordance with the analysis developed in the first chapter and the perspective that we have chosen for our study, describing (legal) translation as a context-dependent activity, legal translations belong to the third category - texts which are both source-language and target-language oriented – and our aim is to demonstrate that legal translations can achieve the optimum translatability stated by Neubert (1973).

In what follows, we aim to identify and analyse this notion of optimum translatability through some specific theoretical elements of a legal translation approach. Describing the legal translation process as a mechanism, which means “a system of parts that people think of as working together like the parts of a machine” (Macmillan Dictionary), we aim to investigate when optimum translatability may be achieved. To this aim, we identify and analyse the main components which form such a mechanism capable of determining linguistic and cultural transfer from the source text to the target text: comparative law, text typology, principles of translation, problems and strategies, competences.

2.1 Legal translation process – a system of components working together

From the first chapter of our research, we retained the concept of (legal) translation as a context-dependent activity which means an interaction between communication and purposes, language and cultural research

through traditions, methodologies and principles. In the current subchapter of the second chapter, we aim to emphasize this interaction between language and cultural research, analysing traditions (comparative law), methodologies (text classification) and principles (principles of translation) in accordance with their role during a translation process in order to achieve optimum translatability of legal texts.

Comparative Law

The legal translation process implies the identification and analysis of some theoretical components for determining the translatability of legal texts. One of these components which form the legal translation mechanism is *comparative law* which helps the translator to face the challenge of understanding the legal systems worldwide by identifying similarities and differences among various legal systems.

At first sight, in order to define comparative law, it is necessary to define law which represents a “system of social convention defined by legislation that regulates the orderly living together of people within their culture” (Stolze, 2013:59). The keywords of this definition are *social convention* and *culture*, two notions that lead us to the definition of comparative law which is considered to be “the study of the differences, similarities, and interrelationships of different systems of law” (Dictionary by Merriam-Webster). All these differences and similarities create a field of research that is concentrated on social conventions or values, such as justice, freedom of persons and speech, public order, recognized education, punishment of crimes and other extremely important humans’ values, and which are connected to different cultural, historical, social, economical backgrounds, producing that difference existing between legal systems. Therefore, comparative law is about comparing different legal systems and this can be done only with “a prior understanding of the given [source] text” (Stolze, 2013:61).

Developing cultural research in order to understand the source text and to transfer those cultural meanings to the target text, presupposes an accurate analysis through comparative law and, implicitly, the comparison of different legal systems. Due to the fact that our research is focused on the Romanian-English transfer, we develop a comparative analysis of two main legal systems, Common Law or English Law and Civil Law or Continental Law, based on some relevant aspects: origin, textual basis, role of judges and lawyers, legal and linguistic text interpretation.

The first difference between Common Law and Civil Law refers to their origin. The origin of Civil Law is in Roman Law, in the code of laws compiled by the Roman Emperor Justinian around 600 CE, while the origin of Common Law is in England in the eleventh century (Pejovic, 2001:818; Washington University in St. Louis/School of Law, 2014). Secondly, regarding the textual basis, Civil Law is based on codes, while Common Law on case law (Pejovic, 2001:819). Thirdly, concerning the role of judges and lawyers, in Civil Law system, judges are considered to be *investigators* because they “generally take the lead in the proceedings by bringing charges, establishing facts through witness examination and applying remedies found in legal codes” (Washington University in St. Louis/School of Law, 2014). In Common Law system, judges are considered to have a larger *flexibility* than in Civil Law system in order to make “an appropriate remedy at the conclusion of the case” (Washington University in St. Louis/School of Law, 2014). In both systems, lawyers’ tasks “commonly include advising clients on points of law and preparing legal pleadings for filing with the court” (Washington University in St. Louis/School of Law, 2014). Furthermore, another difference between these two systems refers to the legal text interpretation, being created a dichotomy between the Civil Law approach of the legislation (a purposive interpretation of the legislation) and the Common Law approach (a literal interpretation of the legislation):

So as when in English courts statutes are taken literally with no interpretation being possible and the decisive elements are precedents, in Continental courts the method judges refer to in their decision-making process is a broad interpretation of legislation.

(Greere and Aldea, 2001:12)

This legal interpretation can be extended to a linguistic interpretation, in Common Law the grammatical interpretation being applied, while in Civil Law the contextual interpretation through contextual meaning (Greere and Aldea, 2001).

In contemporary times, from these two main legal systems a third supranational legal system was developed, the European Law, that “often incorporates elements specific for either civil law or common law” (Pejovic, 2001:839). The EU Law has its origin in the creation of the European Union and is presented under the form of the *Aquis communautaire* and other legal texts formulated in the EU languages, interpreted contextually as the Civil Law texts.

Analysing the notions exposed above, we observe that the three main legal systems are different in their origin (history), “codes” basis (traditions), role of the judges/ lawyers (sociological aspects), interpretation of legal texts

(terminology and style). These differences marked at a primarily cultural level can be transferred to a more specific textual level, the legal text being interpreted due to its history or traditions, culture, terminology or style, because, as Stolze (2013) mentioned:

Translations of legal texts are either done between legal systems or within legal systems which can be national, supranational, or international. In the first case, two different legal cultures are concerned; in the second case, only one, or—in supranational law—rather one primary and several secondary cultures.

(Stolze, 2013:60)

As Šarčević (1997) pointed out, because of these cultural and linguistic differences, “the elements of the source legal system cannot be simply transposed into the target legal system” (Šarčević, 1997:13), which means that the legal system which governs the source text needs to interfere with the legal system which governs the target text. In order to obtain this interference, Barabino (2020) proposes to study these legal systems/ the law in accordance with the language, the terms, the expressions and other elements of style or register, because, as Pommer (2008) indicates: “legal terminology is system-bound, tied to the legal system rather than to language” (Pommer 2008:18).

The same author (Pommer, 2008) proposes to study these legal systems in connection with the culture because legal language is a technical language founded on culture specificity and also because law “is always linked to the culture of a particular society and jurisdiction. Consequently, national legal systems are deeply rooted in a specific legal tradition and legal culture” (Pommer, 2008:18).

Another element to be highlighted when considering the source and the target legal systems is the accessibility of the target audience to the given text, because:

The translator of a legal text aims at introducing foreign legal worldviews into a different legal life-world. His task is to make the foreign legal text accessible for recipients with a different (legal) background.

(Pommer, 2012:283)

A further another central element for the research and comparison of legal systems with a view to translation is the functionality of the transfer:

The translator’s main task is to produce a text that will lead to the same legal effects in practice.” This means that even if the translation is not the legal document as such, it should be precise enough to be accepted with its intended

legal effect, which is based in the legal system of the issuing state. The translation does not replace the original text with its legal status, especially in document translation. But translations as secondary texts should be transparent enough to produce the same legal effects in practice.

(Stolze, 2013:62)

In connection with the analysis developed in the first chapter, when we combined the three perspectives about describing translation and we obtained a new description of translation as a context-dependent activity, we can retain that the Civil Law texts could be placed under the optimum translatability of legal texts due to their contextual interpretation. But, through the features which describe comparative law, and implicitly legal systems, the translator should be able to use the notions in an appropriate manner during a legal translation process, taking into account the legal value, the linguistic value and the cultural value of the source text in order to make all the legal texts (Common Law texts, Civil Law texts, European Law texts) transferable from a source language to a target language. Therefore, the role of the translator is to put together all these different aspects and to interrelate them as a professional “who acts on the texts and tries to produce an adequate translation” (Stolze, 2013:69).

Text typologies. Legal text typologies⁴

Investigating the translatability of legal texts through theoretical approaches requires a retrospective of the linguistic and legal features, as we saw in the case of *comparative law*. Under the form of a linguistic and legal retrospective, we will identify and observe the specific classification used for texts in general and for legal texts in particular through specific criteria selected in order to emphasize the importance of this part of the legal translation system for the demonstration of the optimum translatability of legal texts.

Linguistic and linguistic-legal conventions

From a linguistic perspective, we focus on three main criteria: genre, text types and style. If we take a look at the first criterion and the ideas expressed by different scholars, genre is defined through two central aspects concerning legal translation, culture and communication. According to scholars, genre

⁴ Some of the ideas exposed in this subchapter were initially published in *Annales Universitatis Apulensis. Series Philologica*, no. 22, issue 2 / 2021 (Andreea-Maria SĂRMAȘIU. *Categorising Legal Text Typologies in Translation: a Methodological Approach*, pp.401-408), this subchapter representing the continuation and the adaptation of the original paper.

represents “a staged, goal-orientated, and purposeful social activity that people engage in as members of their culture” (Martin, 1984:25), but also “a recognizable communicative event, characterized by a set of communicative purpose(s) identified and mutually understood by the members of the professional or academic community in which it regularly occurs” (Bhatia, 1993:13). Moreover, genre can be associated to “a class of communicative events, revealing some shared set of communicative purposes, which are recognized by members of the specific professional or academic community in which the genre occurs” (Swales, 1990:58), or it refers to some “conventional forms of texts associated with particular types of social occasions” (Hatim and Mason, 1997:218), and to “coded and keyed events set within social communicative process” (Trosborg, 1997:8).

In order to analyse different genres, assisted by some important research directions, such as the purpose of the analysis, the aspect of genre and the background knowledge the researcher has, Bhatia (1993) proposes seven phases of genre analysis: (1) establishing a situational context for the text given/ chosen; (2) examining the existing theoretical background; (3) adapting the situational context in accordance with the speaker/ writer of the text and the audience, but also with their relationship and their goals; (4) selecting corpus, choosing the criteria based on communicative purpose, situational context, different textual characteristics; (5) examining the academic and professional context based on the rules and the linguistic, social, cultural, academic and professional conventions of legal language; (6) performing a linguistic analysis; (7) looking for some specialist information in genre analysis.

To identify a potentially suitable category of text, using this criterion, the text needs to convey a communicative message and to achieve communicative purposes (we will observe the importance of the presence of this communicative element in the analysis of the second criterion), thus it needs to be functional. Moreover, it needs to take account of conventional aspects in particular contexts which generates another need, the proper understanding and approach of coded or keyed elements (e.g., key concepts and phraseology).

The second criterion, text types, involves the establishment of a conceptual framework that enables the classification of texts regarding the communicative intentions and rhetorical purpose (Hatim and Mason, 1990:140), but also to the premises regarding the translation of the text according to its specific typology (Šarčević, 1997:5). Based on these statements, but also three main sub-criteria concerning the identification of text types, the function of the text, the intention of the author, the expectations of the reader,

the scholars proposed specific frameworks in order to set up this - *how?* - of translating according to specific typology.

Guided by the function of the text, namely the communicative function, Reiss (1971) mentions that there are three text types: *the informative text* where the communicative function is visible due to the general content; *the expressive text* where the content is organized according to some artistic features and the author uses the aesthetic dimension of language; and *the operative text* where the communicative function is evoked by the persuasive character of the content. There is also another text type mentioned, *audiomedial texts*, such as films or advertisements, where we can find the above-mentioned functions, which are supported by images, music and other creative features. Following the classification presented by Reiss, Newmark (1981:21) exposes three main categories: expressive, informative and vocative types. *The expressive texts* include imaginative literature, authoritative statements, autobiographies, and personal correspondence. *The informative texts* cover textbooks, reports, papers, articles, minutes, and legal documents, while *the vocative texts* contain notices, propaganda, publicity, and popular fiction. As we can see, both scholars evoke the same features though labelled differently. Furthermore, in this general classification, we can notice a particular mention regarding legal texts or legal documents which are classified under informative texts, the primary aim being to convey information, messages through special meanings and conventional forms.

Some of these criteria are also mentioned by Möhn and Pelka (1984:22) who present a particular list of typical linguistic characteristics regarding specialised texts, including legal texts: information structured in accordance with the text subject and the status and role of the text sender (author's intention and reader's expectations); a particular textual macro-structure, but also a substantial argumentative structure; specific layout; explicit nomination of the text type and its functions.

Passing from this linguistic classification to a combined classification, we propose to distinguish between linguistic criteria (the function of the text, the intention of the author and the expectations of the reader) and mixed linguistic-legal criteria (prescriptive and descriptive functions), legal texts being defined as primarily prescriptive, primarily descriptive and also prescriptive, and purely descriptive (Šarčević, 1997:11). Under the linguistic criteria, the prescriptive function shows how a translator should use a language and the descriptive function how the translator really uses it. According to the legal criteria, the prescriptive function conducts to what should happen in a specific situation and what the translator should do in that specific situation, and the descriptive function describes that - *what?* -. For example, according to Šarčević (1997:11), in the first category, primarily prescriptive, are included laws,

regulations, codes, contracts, treaties, and conventions. The second category, primarily descriptive and also prescriptive, covers judicial decisions, actions, pleadings, briefs, appeals, requests, petitions; whereas the third category, purely descriptive, contains legal opinions, law textbooks and articles written by legal scholars.

Cao, according to the functions of legal texts in the source language, preserves the prescriptive function of legal texts and adds two new functions: directive and imperative (2007:9-10). Under these three main guidelines, the scholar identifies four types of legal texts: legislative texts as domestic statutes and subordinate laws, international treaties and multilingual laws; judicial texts as texts produced during a process by legal authorities; legal scholarly texts as academic papers and commentaries produced by lawyers or scholars; private legal texts as contracts, leases, wills and litigation documents, private agreements, witness statements, other documents written by lawyers or non-lawyers. Approaching the ideas expressed above from a comparative perspective, the two new functions proposed by Cao, directive and imperative, cover the second category proposed by Šarčević, primarily descriptive and also prescriptive texts, while the four new categories can be replaced by those three categories (legislative texts as primarily prescriptive, judicial texts and private legal texts as primarily descriptive and also prescriptive, and legal scholarly texts as purely descriptive). Under the same spectrum of categorising legal texts, the scholar (Cao, 2007) proposes three others criteria: according to the subject matter of the source language texts (domestic statutes and international treaties; private legal documents; legal scholarly works, and case law); according to the status of the source language texts (enforceable law, e.g., statutes; non-enforceable law, e.g., legal scholarly works); according to the purposes of the target language texts: normative texts, e.g., authentic legal texts in bilingual and multilingual jurisdictions of domestic laws, international legal instruments and other laws); informative texts, e.g., statutes, court decisions, scholarly works and other types of legal documents; and general legal or judicial texts.

In the same context of the linguistic-legal criteria, Varo and Hughes state that texts belonging to the legal genre or legal text types need to meet the same requirements, highlighting the same communicative function, macrostructure or format of the texts, discourse techniques, lexical and syntactic features, socio-pragmatic conventions (2002:102).

The third criterion, the style, is formulated in light of a particular analysis of the language use, based on semantic, syntactic and pragmatic rules (Reiss, 1971:166; Šarčević, 1997:8), which requires thematic knowledge of the textual elements, at the phrase level, and of the terminology used, in order to establish

the appropriate textual typology. In this context, Maley (1994) notes that it is important to mark all those different styles reflected in source texts as part of translation-oriented analysis in order to transfer them through legal language that is “a set of related legal discourses” (Maley, 1994:13). Prieto Ramos (2014) emphasizes that a legal translator should also transfer key concepts and phraseology, purposes and discursive conventions, adopting a pragmatic approach and linking legal function and linguistic features.

Legal conventions

From a legal perspective, we categorize legal texts as specialized texts drafted by lawyers, judges, legal scholars or notaries, the most conditioning and impregnating conventions presupposing legal key concepts and phraseology, legal purposes and discursive aspects. Based on these conventions and the legal text classification, Prieto Ramos emphasizes, first of all, some main functions as different types of legal systems (e.g., public or private), different legal instruments for particular situations, different sources of law reflected in specialized knowledge (2014:265). In addition, he takes over in a specialized form, the convention regarding text types, the purely legal categorization including legislative texts as treaties, judicial text represented by court and litigation documents, texts of legal implementation as notarial texts, private legal text and legal scholarly writings. Moreover, the same specialized form is also exposed regarding genre – the legal genre, the specific legal functions following the cultural and pragmatic (discursive) conventions (e.g., court orders or contracts). Based on legal function of given texts, legal translation as target text can be classified as: judicial translation; sworn/ official/certified translation; or institutional translation. His conclusion regarding legal translation dependent on text typologies is that:

What matters most for legal translation is the characterization of groups of texts corresponding to specific varieties or styles of legal language, and this is generally a question of text producers and purposes in communicative situations.

(Prieto Ramos, 2014:263)

Following the same classification based on the legal conventions regarding text types and restricting the general context to a particular one in order to expose a practical approach (e.g., translating legal texts from Romanian into English), we can identify the suitable text classification through three main categories of law: European Law, Romanian Law (as part of Civil Law) and

English Law (as part of Common Law). The first category, European Law, divides legal text classification into primary legislation (treaties) which represents the ground rules for all EU actions, secondary legislation (regulations, directives and decisions) which come by the principles and objectives stipulated in the treaties, and two broader categories: recommendations or opinions and EU case-law (European Commission, 2022).

The second category, Romanian Law, belonging to Civil Law, is based on two main criteria which define the specific legal typology (Corbescu, 2020): Romanian primary legal resources as statutes (written legislation, official legal publications, scholarly texts as textbooks and treatises), case law, and European legislation and Case law; Romanian secondary legal resources as textbooks, treatises and legal journals and meta-sites for legal research; these being supplemented by a sub-criterion, the main topic of the legal text, resulting 22 possible legal text typologies (Corbescu, 2020) from: Administrative law, Banking law, Bankruptcy and insolvency law, Civil Law, Civil and Criminal procedure, Citizenship and nationality, Communications law, Commercial law, Competition law, Constitutional law, Electoral law, Contract law, Corporate (company) law, Criminal law, Employment and labour law, Environmental Law, Family law and adoptions, Insurance law, Intellectual property law, Private International Law- Conflict of Laws, Real Property Law, Taxation law. The third category, English Law comprises legislation (primary and secondary), case-law derived from precedent decisions, Parliamentary conventions, general customs, books of authority (Slapper and Kelly, 2017). The primary legislation contains the Acts of Parliament, Acts of the Scottish Parliament, Acts of the National Assembly for Wales, Statutory rules of the Northern Ireland Assembly, while the secondary legislation includes statutory instruments and ministerial orders, by-laws of metropolitan boroughs, county councils, and town councils (Slapper and Kelly, 2017).

In what follows, for our demonstration, we retain two fundamental aspects: the combined categorization (linguistic-legal conventions) and the legal categorization of legal texts. Regarding the combined categorization, we will use the concepts proposed by Šarčević (1997) and we will include the texts chosen for our textual analysis in the category of primarily descriptive and also prescriptive texts because in this category are mentioned court decisions and our textual analysis is based on court orders. Moreover, this categorization emphasizes the aim of our book, to demonstrate the translatability of legal texts and this can be done through this type of legal texts because, as I have already mentioned, this category shows us how a translator should use a language and how he or she really uses it.

Concerning the legal categorization, we will use all those three categories mentioned, European Law – Romanian Civil Law – English Law, our attention being focused on case-law in order to demonstrate the translatability of legal texts from Romanian into English.

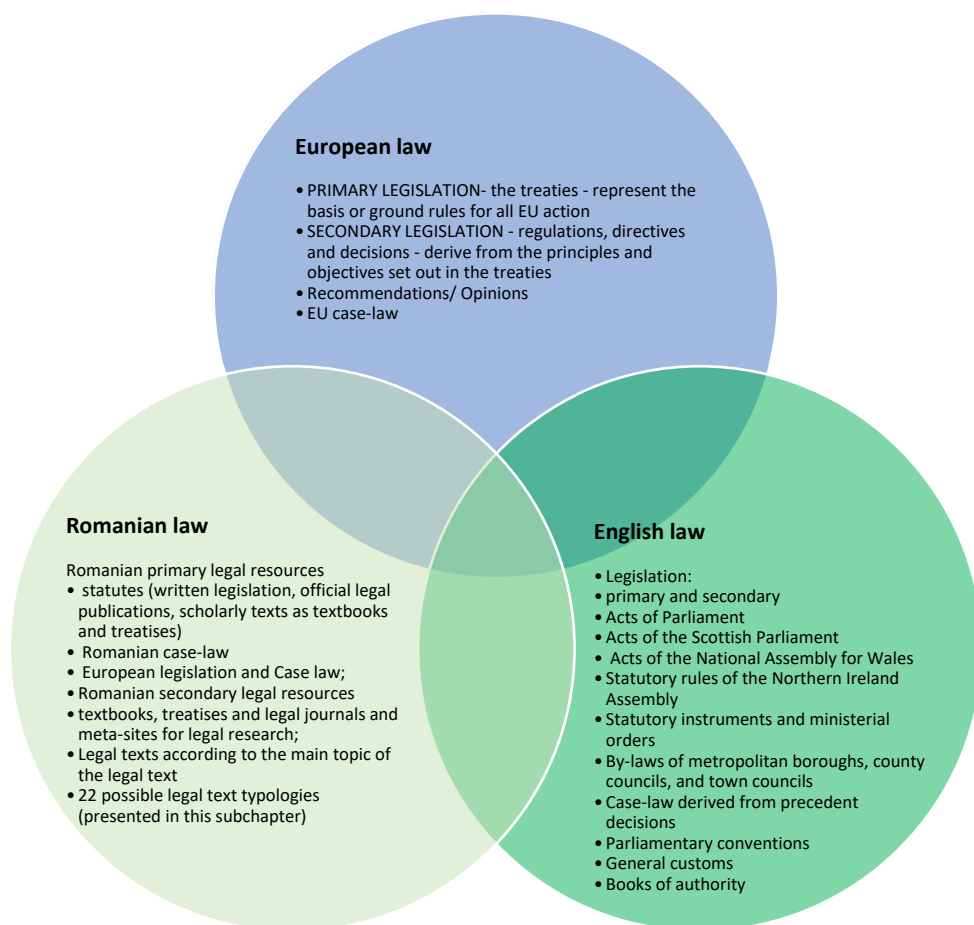


Figure 3 - Visual representation for legal conventions regarding text types according to European Commission (2022), Corbescu (2020) and Slapper and Kelly's (2017) categorization⁵

⁵ Copyright: Visual representation created by the author

Principles of Translation⁶.

Overview of main principles of translation

In 1540, Dolet talks about principles of translation in a broad sense, establishing five principles for the translator:

- (1) The translator must fully understand the sense and meaning of the original author, although he is at liberty to clarify obscurities.
- (2) The translator should have a perfect knowledge of both SL and TL.
- (3) The translator should avoid word-for-word renderings.
- (4) The translator should use forms of speech in common use.
- (5) The translator should choose and order words appropriately to produce the correct tone.

(Bassnett, 2002:60-61)

If we take a closer look at these principles, we can observe that they can be associated to fidelity to the source text (the sense and meaning of the original author), perfect knowledge, direct expression of the meanings looking for equivalents, proper style and manner of writing in accordance with the conventional and functional aspects imposed on the translating activity.

These ideas are systematically presented by Tytler (1791) who sets up three basic principles:

- (1) The translation should give a complete transcript of the idea of the original work.
- (2) The style and manner of writing should be of the same character with that of the original.
- (3) The translation should have all the ease of the original composition.

(Tytler, 1791:69)

In what follows, we will present these three basic principles under three concepts: equivalence, conventionality and functionality and we will emphasize their importance as main parts of a (legal) translation process in our approach to analyse and demonstrate the translatability of legal texts.

⁶ Some of the ideas exposed in this subchapter were initially published in International Review of Studies in Applied Modern Languages, Supplement/ no. 14/ 2021 (Andreea-Maria SĂRMAȘIU. *On the translatability of legal texts: Investigating and applying principles of equivalence, conventionality and functionality*, pp.96-105), this subchapter representing the continuation and the adaptation of the original paper.

Equivalence

For a more accurate analysis of the concept of *equivalence*, it is appropriate to start from some general definitions that emphasize equivalence as being “a situation in which two things have the same size, value, importance, or meaning” (Macmillan Dictionary) or “the fact of having the same amount, value, purpose, qualities, etc.” (Cambridge Dictionary). From both definitions, we can transpose the information in the field of Translation Studies, invoking the fact that *the situation* and/or *the fact* can be reclassified in two main categories, translation as product (the fact), and translation as process (the activity of translating), with a unique purpose, *have/having the same*, and with specific functions. In order to illustrate these specific features, we can make some comparisons: *the same size* or *the same amount* can represent the text-specific aspects that need to be taken into account during the information/ meaning transfer from the source to the target language, for example, the length of the source text or its format. *The same qualities* can refer to the intratextual and extratextual elements analysed before starting the process of translation in accordance with some instructions for a translator in order to fulfil his/her tasks and different analyses of intratextual and extratextual elements of a source text. These strategies are proposed by Nord in *Text Analysis in Translation: Theory, Methodology, and Didactic Application of a Model for Translation-oriented Text Analysis* (1991) under the form of guidelines/ instructions regarding the interpretation of source and target text (Translation Brief) and of a specific source-text analysis through textual and extra-textual elements (T.O.S.T.A), two notions that we will analyse and apply in the third chapter. *The same value* or *importance* bring into discussion the partial or complete acceptability of the new (target) text in the target culture and among the audience; and *the same meaning* or *purpose* can include the intentions of the authors and/ or the translators during the process of creation, but also all the problematic aspects (pragmatic, terminological, linguistic, cultural) that need to be overcome in order to convey the same message as the original. So, after all the above mentioned, before moving from the general to the particular analysis, we can affirm that the unique purpose, *have/having the same*, extracted from the general definition, has been of particular concern in order to indicate that between a source text (ST) and a target text (TT) can be established a kind of *similarity* and this represents the foundation of the concept of equivalence in translation.

Moving on to a particular analysis of the concept of equivalence, it is appropriate to bring into discussion, first Jakobson, who in his article *On*

Linguistic Aspects of Translation (1959), outlined the idea that we can interpret the elements in a language (*verbal sign*) in three different manners. These manners correspond to the retranslation in the same language via other elements, to the translation into other language and the translation into a nonverbal system (Jakobson, 1959:233). Jakobson evokes that there are three kinds of equivalence in translation: intralingual, interlingual and intersemiotic. We can analyse the concept of intralingual equivalence in terms of keywords, such as *synonyms* that can be used as examples to illustrate that in this particular context a partial equivalence is also applied, due to the interpretative-subjective effect of the elements used (Jakobson, 1959:233). Through the concept of interlingual equivalence, the scholar tries to highlight the idea that we cannot talk about full equivalence from a source language into a target language. Still, the translator should try to obtain an equivalent message in a different code to achieve the aim of this transfer from a source language to a target language: “the translation involves two equivalent messages in two different codes” (Jakobson, 1959:233). The ideas exposed in this quote can also be assumed in the legal translation field, where we use two different codes most of the time to render the equivalent information/messages required.

Remaining in the same sphere of a triple classification, Catford proposes, in his work *A Linguistic Theory of Translation- An Essay in Applied Linguistics* (1965), three possible types of equivalence. The first type, *full vs partial translation*, is analysed under *the size criterium*, which means that in a full translation “every part of the SL text is replaced by TL text material” (Catford, 1965:21), while in a partial one “some part or parts of the SL text [...] are simply transferred to and incorporated in the TL text” (Catford, 1965:21). The second type, *total vs restricted translation*, specifies a total translation which means that “all the levels of language involved in translation” (Catford, 1965:22) are implied in the translation process, for example, grammar, lexis, phonology and graphology and a restricted translation that means the translation is performed at only one level, for example only regarding the phonology or the graphology, or only concerning grammar or lexis (Catford, 1965:22). The third type, *rank-bound vs unbounded translation*, depending on the grammatical or phonological ranks, in the rank-bound translation talking about equivalence through *sentence-to-sentence*, *group-to-group*, *word-to-word* (Catford, 1965:24), and in the second form about a free translation or an unbounded equivalence, a partial transfer (Catford, 1965:25).

Nida in *The Theory and Practice of Translation* (1969), starting from the principle that “the translator must strive for equivalence rather than identity” (1969:12), maintains the idea that there are two main types of equivalence:

formal equivalence and dynamic equivalence. The formal equivalence, “*translationese*” (formal fidelity) should be avoided as much as possible even if we are referring to a linguistic translation rather than a cultural one (the example offered is the Bible and its specificity). In contrast, dynamic equivalence involves “the closest natural equivalent” (Nida, 1969:13) because in a translation “meaning must be given priority” (Nida, 1969:13), through this term of meaning also incorporating the rules of content more important than form, in other words, naturalness than formality.

Based on the ideas exposed above, Nida and Taber (1982) extend these statements, saying that:

Translating consists in reproducing in the receptor language the closest natural equivalent of the source-language message, first in terms of meaning and secondly in terms of style. But this relatively simple statement requires careful evaluation of several seemingly contradictory elements.

(Nida and Taber, 1982:12)

If we take a closer look, we agree that the closest natural equivalent proposes to avoid formal fidelity and to reproduce the message, a primary purpose which leads to a series of grammatical and lexical adjustments. So, the two scholars are determined to clearly demonstrate the importance of the reproduction of the message rather than the conservation of the identity of the original text, this demonstration being done under a rigorous evaluation of the closest equivalent or the level of cultural acceptability after the reinterpretation; of the priority of meaning; and of the significance of style or how to choose content as opposed to form. This evaluation can be established within a set of priorities which can define translating from two different perspectives: the perspectives of form and of comprehensibility (we will discuss about these priorities in the subchapter dedicated to problems and strategies in translation).

As a follow-up, Newmark, in *Approaches to Translation* (1981), substituted Nida and Taber's formal and dynamic equivalence concepts with semantic and communicative translation. Semantic translation looks at a contextual equivalence or transfer from the original language/text to the target language/text of all the semantic and syntactic structures (Newmark, 1981:39). Communicative translation is about the effect produced on the audience after receiving the new text (Newmark, 1981:39). For the first type mentioned, we can bring back in attention *the same meaning or purpose characteristics*. For the second, we can discuss *the same value and the same importance characteristics* that we mentioned initially, during the general analysis. Furthermore, suppose

we tighten up upon our specialized field, the legal translation field. In this specific context, we can emphasize that the contextual transfer is important to render the same meaning or purpose as the source text, but at the same time, the effect produced on the audience (for example, to convince/to persuade) is of equal importance. Newmark's new aspect is represented by the fact that for both types, semantic and communicative translation, the scholar mentions that the word-for-word translation method is "the only valid method of translation" (Newmark, 1981:39).

Baker, in *In Other Words* (1992), affirmed that equivalence is influenced by various factors that can generate grammatical equivalence (linguistic factors), textual equivalence (cultural factors) or pragmatic equivalence. Moreover, she develops the concept of *equivalence at word level* that can be applied at the semantic level, but not necessarily all the time because there are similarities and differences between the source and the target language and these depend on the context (cultural aspects) and on the changes over time (Baker, 1992:20), but also the concept of *equivalence above word level* where is included the translation of idioms, fixed expressions, collocations and the same contexts and changes that influence their transfer from the source language into the target one.

Finally, two other scholars, Vinay and Darbelnet, in their paper *Comparative Stylistics of French and English: A Methodology for Translation* (1995), emphasised this concept through some main characteristics: two types of translation and the translation procedure of equivalence. Regarding the first aspect, the scholars distinguished between two types of translation, "direct or literal translation and oblique translation" (1995:31). It is compulsory to specify that the former invokes a *parallel translation* due to the parallel categories and concepts that can result during this transfer of information/ messages (Vinay and Darbelnet, 1995:31) and the latter some more complex methods used to transpose the specific effects that cannot be taken over literally in the target language (Vinay and Darbelnet, 1995:31). The two scholars propose seven procedures, the first three procedures (borrowing, calque and literal translation) being defined as direct translation procedures. The other four (transposition, modulation, equivalence and adaptation) are defined as oblique translation procedures. From the last four procedures, we can extract the other characteristics that emphasize the concept in question, the *translation procedure of equivalence*. From the two authors' point of view, equivalence is useful when we want to render the same stylistic effect as in the source language, resulting in equivalent forms/phrases and contents/texts (Vinay and Darbelnet, 1995:38). As examples, the idioms, the proverbs expressed differently in the target language. Through a mirrored analysis, we can affirm that all these characteristics are valid

not only in terms of a general translation, but also in terms of a specialized translation, as is the case of legal translations, where we can talk about a total equivalence in terms of direct or literal translation because there are elements that can be transposed in both languages (Romanian-English), and about a partial equivalence in terms of oblique or free translation due to the elements that must be interpreted/recreated to meet the criteria of conventionality specific to the target language.

After presenting all these valid opinions, according to Gutt, we can concur that:

Equivalence is one of the central issues in the theory of translation and yet no linguists seem to have agreed and disagreed. However, equivalence as the central concept, will surely affect different views and suggestions since the concept is a matter of heated debates.

Gutt (1991:10)

Following this linguistic-translation journey regarding the concept of equivalence, we set apart two main categories for our demonstration concerning the translatability of legal texts, namely formal translation and oblique translation. The former outlines the idea of a full or total equivalence to render a grammatical, semantic, phonological or graphological equivalent in the target language/ text. The latter highlights the idea of a partial equivalence, but focused on a functional purpose: avoiding formal fidelity and reproducing the message, which means a series of grammatical and lexical adjustments. These presuppositions connect us with the new perspective established concerning (legal) translation – translation as a context-dependent activity – the context of our translation offering the optimal type of equivalence with all the necessary readjustments in that particular situation.

Conventionality

We should present the concept of *conventionality* or *conventionalized language forms* starting from the same general definition that evokes that conventionality represents “the quality of being traditional and ordinary or a part of something that is like this” (Cambridge Dictionary), from which emerge two main characteristics of conventionality: tradition and ordinariness. We can transfer these two characteristics to the translation field, where the translator should follow some rules, customs to obtain the equivalent message in a different code of communication, and this is also specific in the legal translation

field where the textual analysis, but also the cultural aspects demand the establishment of this conventionality during the translation process.

From a textual perspective, de Beaugrande and Dressler in *Introduction to Text Linguistics* (1981) talk about conventionality in close connection with the communicative function of a text, outlining seven specific standards: cohesion, coherence, intentionality, informativity, situationality, intertextuality, acceptability. These concepts are analysed following their purpose: cohesion and coherence as text-centred notions, which means that their analysis is focused on the text-specific elements at word level or above word level. The other five notions are presented as user-centred notions, their analysis being developed on the target audience receptivity level.

The first standard mentioned, cohesion, “concerns the ways in which the actual words we hear or see, are mutually connected within a sequence” (de Beaugrande and Dressler, 1981:3). Therefore, the focus is on all the elements that constitute a sentence, elements that create what is called in theory the surface text (the actual words). As examples, the two scholars offer the grammatical forms and conventions that should be followed during a text analysis and, transposed in our book, during a translation process. To translate legal texts, it is also necessary to respect the grammatical forms and word-specific conventions to convey the meaning, and the message demanded. The second standard, coherence, is about “the ways in which the components of the textual world, [...], are mutually accessible and relevant” (de Beaugrande and Dressler, 1981:3). We need to clarify that the authors refer to the relation between meaning (words) and use (contexts and fundamental characteristics of those contexts as purpose, time, space etc.) through the concept of the textual world. Moreover, the scholars introduce accessibility and relevance notions that guide us to what we defined as characteristics for equivalence translation procedures: the same value and importance, the same meaning and purpose.

The next three standards, intentionality-acceptability-informativity, are presented in connection because they are classified as user-centred notions. Intentionality is about “the text producer’s attitude that the set of occurrences should constitute a cohesive and coherent text instrumental in fulfilling the producer’s intentions” (de Beaugrande and Dressler, 1981:7). In this context, we can introduce the idea of the producer’s (author’s) intentions fulfilment connected to the text’s function. If we move farther, to the legal translation field, the function of the text is given by the nature of legal texts from the point of view of Šarčević exposed in *New Approach to Legal Translation* (1997), legal texts which are divided into primarily prescriptive as laws, regulations, codes, contracts etc. (with the role of convincing/ persuading the audience), purely descriptive as

legal opinions or law textbooks (with the role of presenting/ informing the audience), and hybrid texts (Šarčević, 1997:11) that are both prescriptive and descriptive (for example legal texts as judicial decisions, appeals, requests, petitions). Furthermore, Harvey in *What's so Special about Legal Translation?* (2002) emphasizes the fact that “the function of a document depends not on its inherent nature but on the communicative situation” (Harvey, 2002:179), introducing the main purpose of conventionality, the communicative function of a text, of a translation, of a transfer. Acceptability concerns “the text receiver’s attitude that the set of occurrences should constitute a cohesive and coherent text having some use or relevance for the receiver” (de Beaugrande and Dressler, 1981:8) and informativity “the extent to which the occurrences of the presented text are expected vs unexpected or known vs unknown/certain” (de Beaugrande and Dressler, 1981:9). From these last two standards, we can extract the same idea, that all these standards are presented in connection and depend upon one another to achieve the communicative objective and the equivalents forms required. In the same category of specific standards are included situationality with its factors that make a text relevant in a specific situation (de Beaugrande and Dressler, 1981:9) and intertextuality with its cultural factors and the cultural background needed to produce a relevant text (de Beaugrande and Dressler, 1981:10).

From a legal perspective, conventionality is a principle which influences the understanding and the translatability of legal texts due to two main factors: tradition and stylistic conventions (Gotti, 2006). We saw in the subchapter dedicated to the study of comparative law that comparing two legal systems in order to achieve the translatability of a legal text presupposes an accurate identification and analysis of specialized language features in accordance with cultural features based on tradition (origin) and stylistic convention (textual interpretation) which generates differences between law systems as Civil Law, Common Law or European Law. Our study retains the concept of conventionality from a textual perspective, aiming to support the translatability of legal texts through specific standards, namely text-centred notions and user-centred notions, in connection with its legal implications resulting from the analysis and understanding of comparative law features.

Functionality

The concept of *functionality* can be generally defined as “the quality of being useful, practical, and right for the purpose for which something was made” (Cambridge Dictionary). Through this notion, scholars want to emphasize the

function of texts and translation and develop a term used for various theoretical approaches. In order to support our information, we can offer explicit theories and principles as *Skopos* theory that is conducted by three important rules: skopos, coherence and fidelity. The theory is presented by two leading exponents, Vermeer and Nord. According to Vermeer's point of view in *Skopos and Commission in translational action* (1989), the principal rule of any form of translation that needs to be taken into account during a translation process is the purpose of that translational act (the meaning of *skopos* from Greek).

Nord, the other leading exponent of this theory, in her work *Translating as a purposeful activity: Functionalist approaches explained* (1997), developed skopos and fidelity rules in one principle, "function plus loyalty", highlighting the same idea of the connection between the translation purpose and the intentions of the author, because according to Nord, before the translation activity, the translator has to compare source and target texts through a textual analysis in order to fulfil his aims (1997). This textual analysis can be done with the help of some guidelines/ instructions which should contain: the intended text functions; the sender and recipient; the time and place of text reception; the speech and writing; why the ST was written and why it is being translated (Nord, 1997:59). Moreover, a source-text analysis is necessary in order to decide on functional priorities of the translation strategy and this analysis should be focused on subject matter, content, presuppositions, composition, non-verbal elements, lexic, sentence structure and suprasegmental features (Nord, 1997:62-67).

For the purpose of our study, the analysis and the demonstration of functionality of translating legal texts will be placed under two main instruments: textual and extra-textual guidelines/ instructions used for the source and target text analysis, but also a source-text analysis, both instruments being proposed by Nord (1997). We will use these instruments for the practical approach in order to emphasize the possible transfer from the source language to the target language through effective strategies considered main parts of the (legal) translation process.

2.2 Specific problems and strategies for legal translations

Translation, and also legal translation, is "a problem-solving process" (Pizzuto, 2014) because during the interpretation of the source text (identify the problems), the translator "makes a number of decisions" (apply the strategies)

in order to find the most appropriate solutions in that specific context. Therefore, translating legal texts entails a particular analysis of different problems and strategies which are reflected in the double transfer of knowledge and competences, from theory to practice (e.g., *the translator should be reliably informed about the specificities of both source and target legal systems*) and from practice to theory (e.g., *the translator should have knowledge about the source and target language requirements regarding legal and linguistic aspects of texts formats*). In what follows, aiming to continue the demonstration concerning the translatability of legal texts through main parts which constitute the legal translation systems, we will present a description of translation problems, accompanied by their classification, but also a description and a classification of different translation strategies.

Describing translation problems

The notion of problem, in a broad sense, is defined as something that causes trouble or difficulty. From a more specific point of view, the (translation) problem is clearly defined by Nord (1991), who points out the difference between the two concepts, problem and difficulty. Translation problems are considered to be objective, and they “have to be solved in order to produce a target text which fulfils the intended function(s)” (Nord, 2011), while translation difficulties are viewed as subjective, and their overcoming depends “on their [translators] competence with regard to language, culture, general and specific knowledge etc” (Nord, 2011). Translation problems are in a direct connection with different requirements and they will always appear during a translation process, while translation difficulties belong to translator's competences and continuous professional development and, as Nord (2011) mentioned, only a constant and good documentation will overcome them.⁷

Classification of translation problems

From a general perspective, Nida and Taber (1982) list translation problems in two main categories: personal problems in translation that “may be stated in terms of the relationships of the translator to the subject matter, the receptor language, the nature of communication, and the procedures

⁷ Some notions of this paragraph of the current subchapter were initially published in Professional Communication and Translation Studies, 14 / 2021 (Andreea-Maria SĂRMAȘIU. *Challenges of Legal Translation: Specific Problems and Strategies Identified Through a Virtual Workshop*, pp.158-167), the current subchapter representing the continuation and the adaptation of the original paper.

which he should use” (Nida and Taber, 1982:99), and problems involving language (Figure 4).

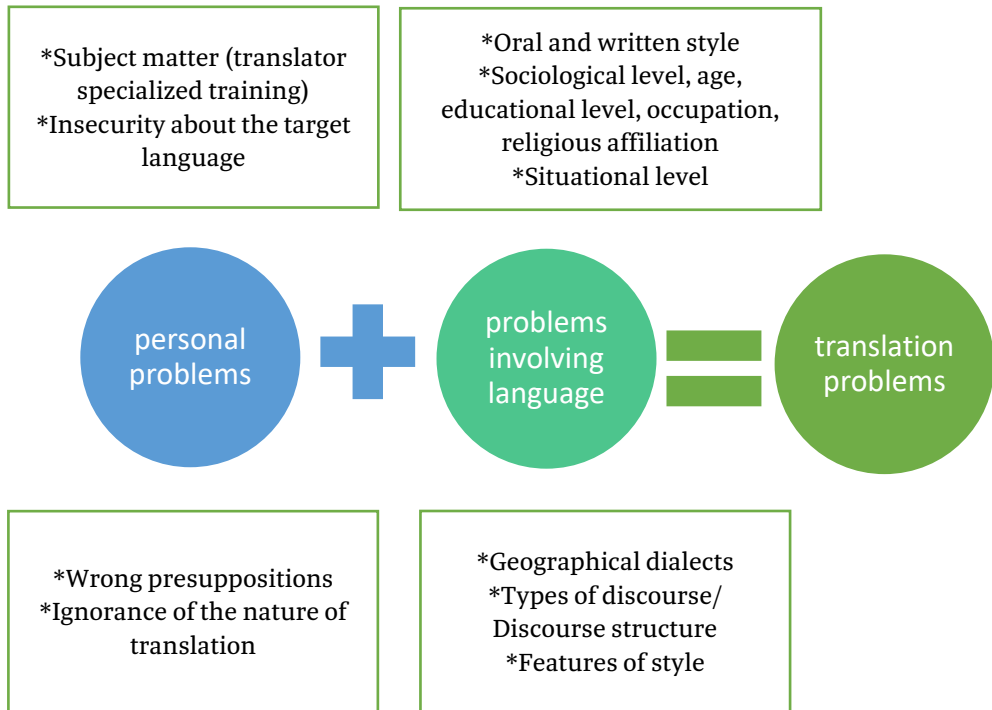


Figure 4 - Visual representation of translation problems⁸

Figure 4 illustrates both translation problems described by Nida and Taber (1982) and we can retain, associating these general features to our specific research concerning legal translation. Contained in the concept of personal problems are: aspects of subject matter connected to translator training (legal/translation as professional practice emphasized in our first chapter); the insecurity about the target language (legal/translation as language-oriented research, another concept mentioned in our first chapter); wrong presuppositions (legal/ translation as language and culture research based on comparative law features) and ignorance of the nature of translation (legal/translation as a context-dependent activity). Regarding the problems involving language, the scholars propose oral and written style, sociological level, age, educational level, occupation, religious affiliation, situational level, geographical dialects, types of discourse/ discourse structure, features of style,

⁸ Copyright: Visual representation created by the author

all these problems representing true factors which influence the translatability of texts, and implicitly legal texts, during a translation process.

In *Text Analysis in Translation* (1991), Nord clearly separates translation difficulties from problems. Translation difficulties are classified by Nord (1991:152-155) as pragmatic, translator-dependent, text-specific and technical. The specificity of pragmatic difficulties belongs to the nature of the translation project (e.g., authentic versus non-authentic texts, native or non-native speaker audience, specific usages for particular situations). The translator-dependent difficulties are related to the level of the translator's knowledge and competence (thematic, factual and cultural background). The third difficulty, text-specific, is determined by the level of 'comprehensibility' of the source text through intratextual factors (e.g., length and complexity of content, text structure, lexical and grammatical elements). The technical difficulty is categorized as documentation and research difficulty, more exactly emphasizing the working conditions of a translator, the applicable tools he/she needs in order to fulfil the translation task.

The second category presented by Nord (1991:158-160), translation problems, includes pragmatic, linguistic, cultural and text-specific problems. The pragmatic translation problems are related to the extratextual factors (sender versus recipient, intention, medium/channel, place and time of communication, motive, traditions and conventions, text function). The linguistic translation problems are based on the differences between two languages, namely in lexical and syntactic structures, but also in terminological and stylistic structures. The cultural translation problems arise from the differences between two cultures regarding the norms, conventions or habits of writing/ delivering source and target texts through particular situations and different fields/ areas (cultural references versus cultural allusions). The last category, the text-specific translation problems are limited to textuality characteristics, for example texts written under specific intra-textual and extra-textual characteristics.

From a legal perspective, G  mar (1979) presents these conditions in realising the translation under the forms of difficulties, terminological and linguistic (structural, syntactic) difficulties, but also of problems, research problem due to the lack of fundamental terminology and grammatical knowledge. This legal-linguistic perspective is supported by Trosborg (1991), who presents, inspired by Danet (1985), the problem of the lexicon of legal English (technical terms; common terms with uncommon meanings; archaic

expressions; doublets; formal items; unusual prepositional phrases) and of the syntactic complexity (unique determiners, impersonality, negatives), emphasizing that “law would not exist without language” (Danet, 1985:273). As a consequence of this affirmation, a new problem arises concerning the concept of language and its division: the language of the law and the legal language. Kurzon (1989, 283-284) distinguishes these two concepts, the language of the law being defined as the language related to the legal domain, and legal language as all types of languages used in legal contexts. Instead, Trosborg (1991) prefers the usage of legal language as ‘the cover term’.

Pommer (2006) identifies as problems the challenges raised by the specificities of comparative law (“the asymmetry of legal systems”), by the particularities of choosing a suitable text typology (“inconsistent categorizations and classifications between the different branches and fields of law”), and by some terminological aspects (“the relativity of legal terminology”). Cao (2007) continues these ideas related to terminological aspects, mentioning the lack of equivalent terminology across different languages, which means that the translator should possess a very good knowledge of the legal systems of the source and target languages or cultures. Moreover, Cao (2007) talks about another specific problem, the culture one, but “expressed through legal language” because “each country has its own legal language representing the social reality of its specific legal order” (Šarčević, 1985:127). This is why “legal translators must overcome cultural barriers between the SL and TL societies when reproducing a TL version of a law originally written for the SL reader” (Cao, 2007:193).

Discussing this specific mechanism of problems, Haigh (2009), differentiates between English language difficulties, legal language difficulties and legal text difficulties. English language is difficult, according to Haigh (2009) due to four main factors: lack of clear rules of grammar; extensive vocabulary; the use of phrasal verbs in English (and legal English); and the use of idioms. Legal language is difficult to be translated because of two issues: the first issue is represented by the writing conventions which are different, such as sentences with peculiar structures, lack of punctuation or different use, foreign phrases used instead of English phrases, unusual pronouns employed. The second issue is the large number of difficult words and phrases used. Regarding the legal texts difficulties, Haigh (2009) classifies them in difficulties resulting from the use of elements of writing, basic standards of legal writing or elements of good style.

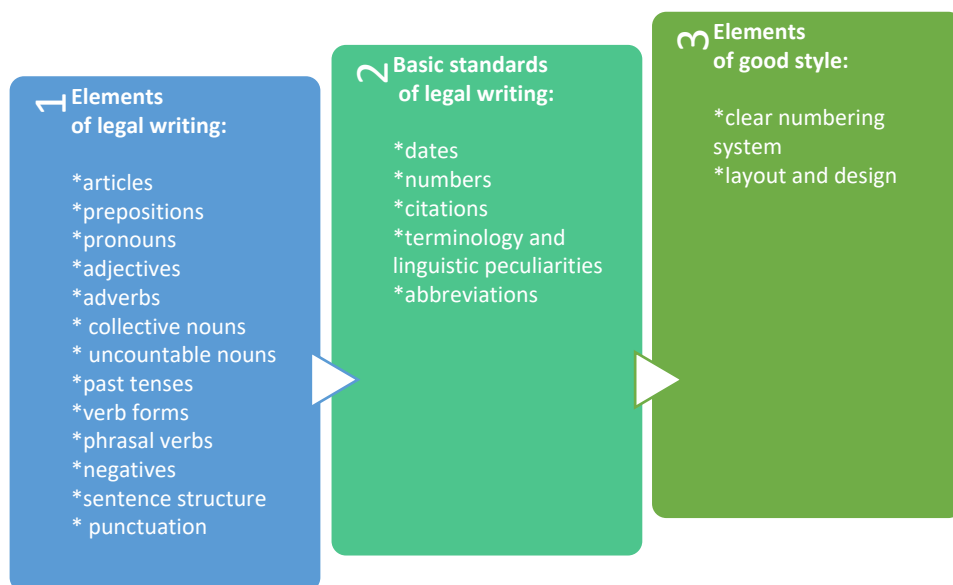


Figure 5 - Visual representation of Haigh's classification of legal translation problems (2009)⁹

Kordic (2020) emphasizes the same dimensions of translation problems in this particular field, the legal field: cultural, terminological and linguistic. The cultural problem arises due to the fact that “the language of the law is inevitably culture-bound” and this imposes traditions and conventions adopted in connection with the functional or communicative meaning of the translation. The terminological problem occurs due to the variety of specific legal terms and the translator faces with some specific linguistic phenomena (polysemy of legal terms, synonymy, legal phrases and collocations, phrasal verbs, archaic terms, legal, doublets and illogical expressions). The linguistic problem is inclined to the use of specific grammar structure, for example the structure shall followed by infinitive which is frequently used in English laws.

For the textual and extra-textual demonstration prepared for Chapter 3, our study will identify translation problems categorized by Nord (1991) - pragmatic, linguistic, cultural and text-specific problems – in a comparative analysis with translation problems categorized by Haigh (2009) - English language difficulties, legal language difficulties and legal text difficulties – in order to demonstrate the bidirectionality which exists between general

⁹ Copyright: Visual representation created by the author

translation problems and legal translation problems during the transfer from the source language to the target language in a legal translation process.

Classification of strategies

The notion of *strategy* has raised a number of questions over time about the narrow or wide meaning of this term. Many translation scholars, researchers, trainees, but also many students in Translation Studies and translators use this term in order to define the decisions taken before engaging in a translation task and as synonyms they use methods-procedures-techniques. At this point a particular question arises: are these terms synonyms or do they have different meaning and usages?

In 1680, in Preface to Ovid's Epistles, Dryden mention for the first time about this possible classification of strategies for translation problems, Bassnett (2002:66) pointing out that he formulated the three basic types: metaphrase – “turning an author word by word, and line by line, from one language into another”; paraphrase – “translation with latitude, the Ciceronian ‘sense- for-sense’ view of translation” ; and imitation – “the translator can abandon the text of the original as he sees fit”.

After a review of different points of view, as a general rule adopted by scholars as Vinay and Darbelnet (1958), Nida (1964), Newmark (1981), Baker (1992), Chesterman (1997), Venuti (1998), there is a clear distinction between strategies as decisions and methods-procedures-techniques as the applicable part of those decisions (the operationalisation of the translation strategies).

In terms of strategies mentioned in translation literature, the contemporaneous scholars have debated two main translation strategies: the “foreignization” or the source-text oriented, word for word, direct or literal translation strategy and the “domestication” or the target text-oriented, message for message, oblique or free translation strategy.

Vinay and Darbelnet (1958) talk about a *direct translation* and an *oblique translation*, so by extension a *direct strategy* and an *oblique one*. The first one resembles word by word quotation of the original message in the target language and where the translator has the opportunity to accurately reproduce the linguistic elements from the source language. At the same time, they apply this strategy through four procedures: *borrowing*, *calque* and *literal translation*. In the case of the second strategy, the translator interprets the explicit contents of the original and there are also four procedures used (*transposition*, *modulation*, *equivalence*, and *adaptation translation*) in order to appeal to a morphological, syntactic or stylistic readjustment, focusing on the

understanding and transmission of the message, and not necessarily on the exact reproduction of all the elements existing in the source text.

Nida (1964) presents only the operational part of the decision taken by a translator and he exposes two types of procedures: technical and organizational procedures. In the former category are mentioned the analysis of the source and target language, source text, semantic and syntactic elements while in the latter, are presented the continuous re-evaluation of the translator's work, as consulting parallel texts or checking the text's communicative effectiveness. Also, Nida considers extremely essential establishing some priorities of translating in accordance with the linguistic forms the translator will choose for the given text ("contextual consistency has priority over verbal consistency or word-for-word concordance"); with the acceptability of the audience ("dynamic equivalence has priority over formal correspondence"); with the communication ("the heard form of language has priority over the written form"); and with the types of audience ("forms that are used by and acceptable to the audience for which a translation is intended have priority over forms that may be traditionally more prestigious") (1964:14-15). All these priorities can be integrated in the first type of procedures proposed by Nida, the technical ones. Regarding the organizational procedures, the scholar proposes some strategies concerning the organization of translation projects: determining the need for a translation, establishing the planning (types of translation, level of language, qualifications and training, organization and procedure), involving the community; finding the right translator(s); working out basic principles and procedures; preparing and checking the drafts, but also final documents (Nida, 1964:174).

Newmark, another scholar who presents the notion of strategy from the same applicable perspective through methods-procedures-techniques, refers to the difference between translation methods and translation procedures, saying that, "translation methods relate to whole texts, translation procedures are used for sentences and the smaller units of language" (Newmark, 1988:81). According to his original classification (Table 1), the methods of translation include: word-for-word translation, literal translation, faithful translation, semantic translation, adaptation, free translation, idiomatic translation, communicative translation and they can be described as translation strategies (Ordudari, 2007).

According to Newmark, the translation procedures reflect the following operational decisions (Table 2 and 3): transference, naturalization, cultural equivalent, functional equivalent, descriptive equivalent, componential

analysis, synonymy, through-translation, shifts or transpositions, modulation, recognized translation, compensation, paraphrase, couplets and notes (Newmark, 1988:82-91).

Table 1 - Visual representation adapted from Newmark's classification of translation methods (1988) used as strategies (in Ordudari, 2007)¹⁰

Word-for-word translation	The translator should maintain the word order from the source language and he/she needs to render individually the common meaning of the words from the source language/ text.
Literal translation	The translator may change the grammatical structures from the source language in accordance with the target language constraints, but he/she needs to render individually the common meaning of the words from the source language/ text.
Faithful translation	The translator should render the exact contextual meaning of the source text structures according to the target language (grammatical) constraints.
Semantic translation	The translator should emphasize the aesthetic value of the source text
Adaptation	The translator possesses the freedom to convert the source language to the target one at the level of lexis, grammar, culture or even text format.
Free translation	The translator may produce a target text moving away from or even ignoring the style, form or content of the source text
Idiomatic translation	The translator prefers using colloquialisms and idioms in the target text, even when they do not appear in the source text.
Communicative translation	The translator should render the precise contextual meaning of the source text in such a way that both content and language are acceptable and comprehensible to the audience.

¹⁰ Copyright: Visual representation created by the author

Table 2 - Visual representation adapted from Newmark's classification of translation procedures (1988) used as strategies (Ordudari, 2007)¹¹

Transference	The translator should transfer a word from the source language to the target one
Naturalization	The translator should adapt morphologically and phonetically the source language to the target one
Cultural equivalent	The translator should replace a cultural word from the source language with an equivalent from the target language
Functional equivalent	The translator should use culture-neutral words in the target language
Descriptive equivalent	The translator should reproduce culture-bound terms
Componential analysis	The translator should compare a word from the source language with a word in the target language which has a similar meaning but not a one-to-one equivalent
Synonymy	The translator should use near equivalent in the target language
Through-translation	The translator should use literal translation of collocations, names of organizations and compounds

Table 3 - Visual representation adapted from Newmark's classification of translation procedures (1988) used as strategies (Ordudari, 2007)¹²

Transpositions	The translator should change grammar structures from the source text/ language to the target one
Modulation	The translator should reproduce the message of the source text according to the norms/ conventions of the target language/ culture
Recognized translation	The translator has to use the official equivalent of any institutional term
Compensation	The translator should compensate the meaning of words used in the given text
Paraphrase	The translator should explain the meaning of the culture-bound terms in the target text
Couplets	The translator has the freedom to combine two different translation procedures
Notes	The translator introduces additional information in the target text

Baker focuses on the decisions taken as strategies and proposes a new classification which contains eight types of translation strategies (1992). The

¹¹ Copyright: Visual representation created by the author

¹² Copyright: Visual representation created by the author

first type, translation by a more general word, is proposed in the particular situations when the translator is dealing with nonequivalence. The second type, translation by a more neutral word, is specific to the semantic transfer from the SL to the TL, while the third type and the fourth one, translation by cultural substitution and translation using a loan word or loan word plus explanation, is appropriate for the cultural-specific transfer in order to render a more natural, understandable familiar message to the target audience. The fifth and the sixth strategies, translation by paraphrase using a related word and translation by paraphrase using unrelated words, are used in order to produce a natural target language from the lexical perspective. The last two translation strategies, translation by omission and translation by illustration are specific to particular contexts, for example to avoid lengthy and incomprehensible explanations, to be concise.

Chesterman illustrates the same translation decisions in the form of three translation strategies: *syntactic strategies*, the focus being on the grammatical structures of the TT in connection with the ST; *semantic strategies*, the focus being on the meaningful structures; and *pragmatic strategies* (1997).

<i>Syntactic strategies</i>	<i>Semantic strategies</i>	<i>Pragmatic strategies</i>
Literal translation	Synonymy	Cultural filtering
Loan translation	Antonymy	Explicitness change
Transposition	Hyponymy	Information change
Unit shift	Converses	Interpersonal change
Paraphrase structure change	Trope change	Speech act
Clause structure change	Abstraction change	Visibility change
Sentence structure change	Distribution change	Coherence change
Cohesion change	Emphasis change	Partial translation
Level shift	Paraphrase strategy	Trans-editing
Scheme change		

Figure 6 - Visual representation of Chesterman categorization of translation strategies (1997)¹³

Venuti identifies the two main translation strategies, the foreignization (literal, direct translation, source-text-oriented translation) which represents the “close adherence to the source text structure and syntax”, and the domestication (free, oblique, target-text-oriented translation) which “entails translating in a transparent, fluent, invisible style in order to minimize the foreignness of the target text” (1998).

¹³ Copyright: Visual representation created by the author

Taking into account all these categorizations of translation strategies, based on their textual and extra-textual orientation and on our previous statements that the translatability of legal texts is possible through a language and culture research in a context-dependent process in order to obtain a context-dependent product, for our textual analysis concerning the translatability of legal texts, we will reorganize all these types of translation strategies under a new classification: translation strategies regarding language and culture documentation and research (consulting a specialist; consulting parallel corpora and dictionaries; consulting official sources); translation strategies concerning traditions and conventions (consulting parallel corpora, consulting official sources about legal systems); and translation strategies regarding specific methodologies and priorities (using a third language support; extra-revision). This reorganization will be exemplified in the next chapter.

2.3 Professional Competences for Tackling Legal Translations¹⁴

Legal translation is inspired by and also inspires other types of translation, due to the transfer of common and specific characteristics. In this context, Cao emphasizes in *Translating Law* that “a competent legal translator is first of all a competent translator” and also that “translation competence refers to the knowledge that is essential to the translation act” (Cao, 2007:9). Based on these statements, we can affirm that a competent legal translator should possess not only a good knowledge, but it is highly important to transfer this knowledge in the practice field (translation act) in order to implement it and develop it into a specific translation competence.

In the light of the abovementioned ideas, it is worth mentioning Mona Baker's indirect definition of translation competence in the paper *In Other Words* (A course book on translation), who says that the translators:

Like doctors and engineers, they have to prove to themselves as well as others that they are in control of what they do; that they do not just translate well because they have a ‘flair’ for translation, but rather because, like other professionals, they have made a conscious effort to understand various aspects of their work.

(Baker, 1992:4).

¹⁴ Some of the notions set out in this final subchapter were published in a manuscript: Sărmașiu, A. (2020). *Identifying and Applying Specific Transversal Competences in the Legal Translation Field. An Interdisciplinary Approach*. In R.M Nistor & C. Teglaș (Ed.), *Limbajele specializate în contextul noilor medii de învățare: Provocări și oportunități*. Cluj-Napoca: Presa Universitară Clujeană

From this point of view, we can extract the most important idea: those various aspects of a translator work are the competences that the translator identifies before the translation process, implements during the translation act and develops permanently after finishing the translation process in order to be in a continuous control of his work.

Being in a specialized context, the legal translation field, our attention is focused on the translation competence. Generating the idea that a competence can be seen as a contextual skill, more exactly a transfer of contextual skills from the knowledge field to the practice and vice versa, this mutuality allows the integration of the translation competence in the spectrum of competences, under the possibility of the transferable characteristics from translation field to the legal translation field, from academic medium to the professional one, from a formal context to a non-formal one, from discipline to practice. Between the translation field and legal translation field there is a reciprocal relation that can be extended to the competences needed by a legal translator. These competences are presented under the spectrum of the translation competence which is divided in specific competences that can be analysed from the perspective of other competences.

Translation competence is explained by many scholars and institutions, from the professional perspective. We have already seen during the previous subchapter that being a competent legal translator means understanding and reproducing basic knowledge of the legal systems worldwide, the relevant terminology and the specific legal writing style of the target language, one of the scholars, Harvey (2002) insisting on mastering the basic concepts of terminology and law. In this context, Pommer (2006), affirmed that:

Legal translators as mediators between legal cultures have the task of effectively communicating legal information across the barriers of legal traditions and languages. In this pursuit, their major goal has to be to avoid conceptual misunderstandings and achieve transparency.

(Pommer, 2006)

From the academic perspective, we consider that the frameworks proposed by the EMT expert group¹⁵ are representative for our research due to

¹⁵ "The EMT expert group was set up by the DGT in April 2007. Its main task was to make specific proposals with a view to implementing a European reference framework for a Master's in translation (European Master's in Translation - EMT) throughout the European Union. The group was dissolved when the newly created EMT network elected the first EMT Board in 2009." (EMT expert group (2009). *Competences for professional translators, experts in multilingual and multimedia communication*. Retrieved September 16, 2020)

the fact that our demonstration targets the academic audience (students who will become professionals in translation area), but also professional audience (translators with more or less academic background concerning translation area).

A first framework was proposed in 2009 and another in 2017. Analysing the first framework, Competences for professional translators, experts in multilingual and multimedia communication, there are two points to raise: the definition of the competence and the classification established. From the point of view of the authors of this first framework, the term competence means “the combination of aptitudes, knowledge, behaviour and knowhow necessary to carry out a given task under given conditions” (EMT expert group, 2009:3). The last part of the definition, a given task under given conditions, shows the same mutuality that we emphasized before, the common characteristics of a translation act can be converted into specific characteristics (given conditions) of a legal translation act (given task).

In order to offer a comparative perspective, analysing the information provided in the second framework, Competence Framework 2017, it is important to mention a new addition to the former framework: the definition of competence is made in accordance with the European Qualifications Framework (2008) and it is accompanied by two other definitions of skill, knowledge and learning outcomes. Regarding the definition of the term competence, it is exposed as “the proven ability to use knowledge, skills and personal, social and/or methodological abilities, in work or study situations and in professional and personal development” (EMT Board, 2017:3). As we can see, the term combination is replaced by the term proven ability; the term knowledge¹⁶ is kept on both definitions; the terms behaviour and knowhow are replaced by skills¹⁷ and personal, social and methodological abilities; and the given task and given conditions are replaced by work or study situations and professional and personal development. As a first conclusion, the second definition is presented in an extremely clear way, so that we cannot confuse the concepts proposed as components of the term competence, being a very helpful tool to demonstrate in an obvious way this transfer from competence

¹⁶ In the new competence framework, the term *knowledge* is also defined as a singular concept: “the outcome of the assimilation of information through learning. Knowledge is the body of facts, principles, theories and practices that is related to a field of work or study.” (EMT, 2017, p. 3)

¹⁷ The definition offered for this term, *skill*, in accordance with European Qualifications Framework (2008), includes the term *knowhow* from the definition of competence offered firstly in the 2009 framework and replaced in the current framework by the term skill which: “means the ability to apply knowledge and use know-how to complete tasks and solve problems.” (EMT, 2017, p. 3)

(knowledge) to translation competence (skills and personal, social or methodological abilities) and from a translation act (work or study situations) to a legal translation act (professional development).

The second point to raise is about the classification of translation competence. In the 2009 framework, the EMT expert group presents 6 competences which form the translation competence: the translation service provision competence, the language competence, the intercultural competence, the information mining competence, the thematic competence and the technological competence. As presented by the EMT expert group (2009:4-5), the translation service provision competence includes two main dimensions, the interpersonal and the production ones. Regarding the first dimension, interpersonal, it can be implemented by activating the social role of the translator (mentioned from the beginning, in the definition of the competence offered in the second framework elaborated by EMT); by establishing the market requirements and job profiles; by knowing and using the negotiation standards with the client; by going through with the requirements, objectives and purposes of the client and/ or the planning and the management of translator's personal 'requirements' (time, budget, training etc.); by establishing the value of the services offered; by knowing the standards applicable to a translation service and the professional ethics; by possessing the capabilities of cooperation and collaboration (working in a team). The other dimension, the production one, makes reference to the capacity to render in a very appropriate manner the client's request; to establish very clearly the stages and strategies for the translation act; to define and evaluate translation problems and find appropriate solutions; to justify translation choices and decisions; to know how to manage the proofreading and revision of a translation; to establish and monitor quality standards.

The second competence presented by the EMT expert group (2009:5), the language competence, is presented from the perspective of theoretical knowledge and its implementation through grammatical, lexical and idiomatic structures, as well as different conventions of source and target languages. The third one listed by the EMT expert group (2009:6), the intercultural competence, is viewed from dual perspective, sociolinguistic and textual. The sociolinguistic dimension, which is implemented due to the ability to differentiate the function and the meaning in language variations; the identification of the rules for interaction relating to a specific community and the usage of a specific register for a particular situation or document. The textual dimension, carrying through the analysis of the macrostructure, the presuppositions, the stereotypes and intertextual nature of a document; the

description of the problems and the definition of the strategies for solving those problems; the identification of the elements, values and references proper to the source and target cultures; the realisation of the document in accordance with the conventions and the standards imposed.

These three competences are accompanied by the information mining competence which is developed through a specific documentary, terminological and phraseological research, and specific tools and search engines¹⁸ (EMT expert group, 2009:6). In addition to the competences already mentioned, the EMT expert group presents a thematic competence and a technological one (2009:7). The thematic competence incorporates the idea of developing thematic knowledge (concepts, language, terminology, presentation) in specialist fields and applications (it is presented the idea of learning to learn), while the technological competence embraces the usage of software, databases, CAT tools, technical media (it is exposed the idea of mastering the tools).

All the above-mentioned competences that form the translation competence imperative before, during and after a translation act and that can be transferred to a legal translation act are assumed, in a more complex format, in the framework presented by the EMT Board in 2017. Five main areas of competence are presented: language and culture, translation, technology, personal and interpersonal, service provision. The first area, language and culture, includes transcultural and sociolinguistic awareness and communicative skills and is an adjusted form of the second and third competences of the previous framework because are taken into account in order to be implemented language-specific, linguistic, sociolinguistic, cultural and transcultural knowledge and skills (EMT Board, 2017:6). The second area, translation, involves a strategic, methodological and thematic competence, that gives us the possibility to observe a connection with the translation service provision competence from the 2009 framework (EMT Board, 2017:7). A very important element illustrated in this translation area is the focus on students learning process in order to can move from the discipline area toward the practice field (EMT Board, 2017:8). The third area, technology, includes the technological competence (classified as a 6th competence in the first framework), exploring the idea of mastering tools and applications through the knowledge of machine translation technologies and the ability to implement them (EMT Board, 2017:9). The fourth area, personal and interpersonal, covers

¹⁸ We can include in this category terminology software, electronic corpora and dictionaries.

a special category of competences, in reference to the level of adaptability and employability of the (future) translator. This 'soft skill' enables the transfer mentioned, from a common competence to a translation competence, because the (future) translator works in multicultural and multilingual environments, uses current communication technologies and social media, has specific professional purposes for evaluating, updating and developing his/her competences through particular strategies and learning methods (EMT Board, 2017:10). The last area, service provision, comprises all the competences related to the implementation of translation and to language services in a professional context (for example client awareness and negotiation, project management, quality assurance) (EMT Board, 2017:11). As can be seen, the new competence framework proposed by EMT Board highlights an extremely important concept: the reciprocal relation between all the competences exposed, something new besides the elements presented in the previous format, which allows the migration of characteristics from one competence to another and the interference of common and specific aspects in order to render a complete and complex message: the legal translation process supposes a legal and a linguistic approach via an interdisciplinary approach.

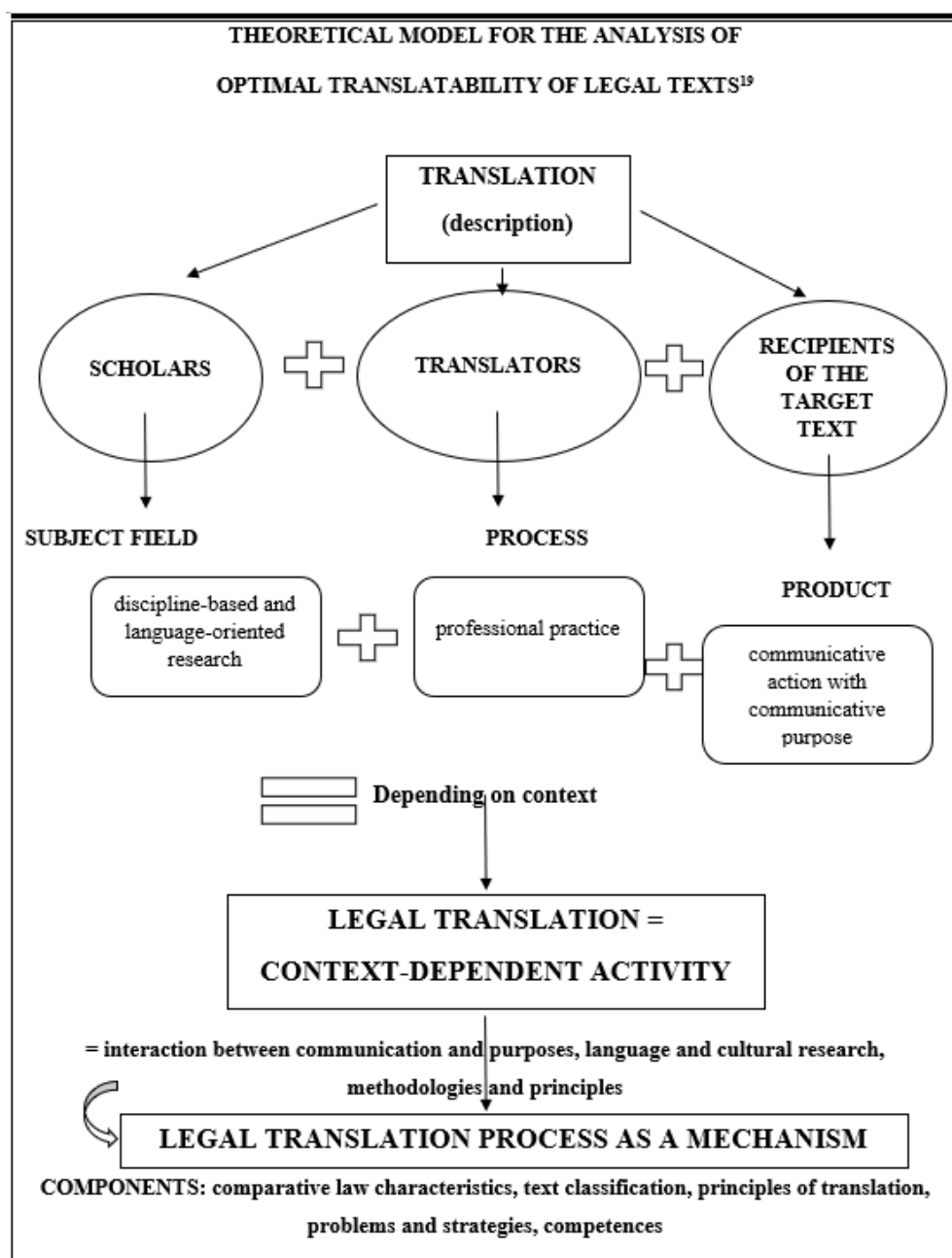
All the competences listed and described can be seen as a necessary reciprocal transfer, from a common translation field to a specialised one (legal translation field), from translation competence to other competences, from a legal and linguistic approach to an interdisciplinary one. All these theoretical elements involve identifying, selecting and using aspects and elements that can be applied to the language, culture or field of the translation act.

For the purpose of our study, we will extract from the framework proposed by EMT a series of competences to be validated in our application part, such as: research competence, thematic competence, transcultural competence, technical competence and communicative competence. The research competence refers to information acquisition through specific documentary, terminological and phraseological research, and specific tools and search engines as mentioned by the EMT expert group. The thematic competence means thematic knowledge in legal translation field, and the transcultural competence is based on sociolinguistic and textual knowledge. The technical competence supposes mastering specific tools in translation activity, while the communicative competence describes, for example, among others, the capabilities of cooperation and collaboration stated by EMT.

Conclusion and Theoretical Implications

At the end of the theoretical chapters of our book, we can conclude that all the descriptions and analyses offered, through the literature review and commentaries based on the theoretical approaches and relevant opinions presented, lead us to a theoretical model of analysing the optimal translatability of legal texts.

The theoretical model is founded upon the description of translation from scholars, translators and recipients of the target text perspectives. These three descriptions (*See Chapter I*) transfer us to the plane of the translation as a theoretical approach and translation as a practical approach: translation as a process and as a product resulting of the interaction of Translation Studies (subject field) with other disciplines through an interdisciplinary approach. Narrowing our framework to the legal translation field, the three general perspectives can be replicated: (1) legal translation as discipline-based and as language-oriented research; (2) legal translation as communicative action with communicative purpose; (3) legal translation as professional practice. Based on these three new perspectives, legal translation depends on context because the methodology and the interest of scholars and recipients is developed in a context, and also because the demonstration of the validity and efficiency of specialized methodologies, competences and other aspects need to be done in a professional and/ or academic context. Consequently, all the three perspectives can be put under the description of legal translation as a context-dependent activity. We retain this central concept of our research, legal translation as a context-dependent activity which presupposes an interaction between communication and purposes, language and cultural research, methodologies and principles. This interaction is developed as part of a mechanism – legal translation process as a system – using specific components which work together: comparative law characteristics, text classification, principles of translation, problems and strategies, competences. All these components assist in the demonstration to achieve the optimal translatability of legal texts.



CHAPTER 3.

Researching Legal Translation. Applying Specific Strategies in the Legal Translation Process

In Chapter 1 and Chapter 2, our work was focused on describing and theoretically analysing those textual and extratextual factors which influence the translatability of legal texts. As we have already mentioned, the optimal translatability of legal texts presupposes an understanding of the legal translation process as a context-dependent activity in a system composed of main parts which work together, those parts being represented by comparative law features, text classification according linguistic and legal conventions, principles of translation, problems and strategies, and specific competences.

In the current chapter, we will describe and analyse the translatability of legal texts through a practical approach in order to demonstrate that the theoretical approaches can be converted into specific and effective transfer strategies from a source language to a target language during a legal translation process. Our application will present a textual analysis and an extratextual analysis. The textual analysis is based on the presentation of our corpus, followed by the application of two important instruments: guidelines or instructions regarding the translation activity (known as Translation Brief) and a particular source-text analysis (known as T.O.S.T.A). These two components will be accompanied by the identification and presentation of specific problems and strategies in a general or particular legal context. The extratextual analysis is divided into a workshop and a questionnaire analysis, presented to demonstrate that both, language and culture research are valuable in a translation process.

The objective of this third chapter is to provide a bridge between the theoretical and practical approach to the analysis of translation as context-dependent activity in order to support an accurate demonstration regarding the optimal translatability of legal texts through effective transfer strategies.

3.1. Replicating the theoretical approach towards a practical approach. Textual analysis through specific problems and strategies for legal translations

Design and Selection of the Text Corpus

To determine the optimal translatability of legal texts, we aim to transfer theoretical approaches into a practical demonstration, by employing a textual analysis of specific textual and extratextual elements for legal translation process, based on a specialized corpus of texts.

In order to choose the suitable Romanian texts for our corpus, we used a private online platform, SINTACT.RO, in order to have access to a series of filters provided by that platform, mentioning that the chosen texts can be also identified on and copied from the free online platform ROLII.RO, but also from another free online platform REJUST.RO. The selection of texts through those filters was made in accordance with some theoretical notions described during the two previous chapters and with the filters provided by the platform. Firstly, our corpus needed to be relevant from the perspective of language-oriented research, our analysis being focused on the demonstration of translatability of legal texts through linguistic features (text types, terminology, grammar). Second, our corpus needed to be relevant from the perspective of culture-oriented research, our analysis being based on comparative law features (traditions, conventions). Further, our corpus needed to be relevant from the perspective of the translation as a context-dependent activity, our analysis supposing communicative and purposive actions. Due to these particular contexts, we created our own classification of the filters used, dividing them into three main categories: **'Equivalence' filters** (according to the appropriate English equivalent for the Romanian term - *hotărâre judecătorească* – but also for other specific legal terms analysed); **'Conventional' filters** (regarding some usual or traditional filters, e.g., subject matter, date of publication); **'Functional' filters** (according to the linguistic or terminological evolution of the structures identified or to the academic and professional purposes of the current research, e.g., developing suitable models for students and translators).

I. 'Equivalence' filters

Taking into account that the analysis of the specific theoretical and practical mechanisms used during a legal translation process concerns the transfer from Romanian into English, first of all, some research was necessary on the use of the appropriate equivalent for the Romanian term: *hotărâre*

judecătorească. Taking a look at the definition offered in Romanian, *-hotărârea judecătorească-* is: "*act final de dispoziție prin care instanța judecătorească soluționează litigiul supus judecății*". Looking for an English equivalent and comparing an English equivalent definition - *a decision of a court regarding the rights and liabilities of parties in a legal action or proceeding* (Black's Law Dictionary, 2014) – we found the suitable term in this specific context – *judgment* – which is used in British, Australian, New Zealand, American, and Canadian English when referring to a court's ruling. It is also acceptable a variation of this term – *judgement* – which is namely used in the United Kingdom and it makes reference to a non-legal decision. Applying the filter of equivalence through the specific filters - *Index tematic – Drept Civil - Categori/ Jurisprudență – Hotărâri judecătorești* – provided by the platform we obtained a first corpus which included **7.289.956 texts** (approx. 21 billion words).

Moreover, from the same perspective, of the appropriate equivalent, *-hotărârea judecătorească-* is classified in: *sentință, decizie* and *încheiere*. Applying the same filter of equivalence, using the specific filters - *Index tematic – Drept Civil - Categori/ Jurisprudență – Hotărâri judecătorești – Tip speță* – provided by the platform, we divided the first corpus into small corpora as follows: **4.291.732 sentințe** (approx. 12 billion words); **2.717.840 decizii** (approx. 7 billion words); **280. 384 încheieri** (approx. 841 million words). For all these terms the suitable English equivalent chose in this particular context is – *ruling/ court's ruling*.

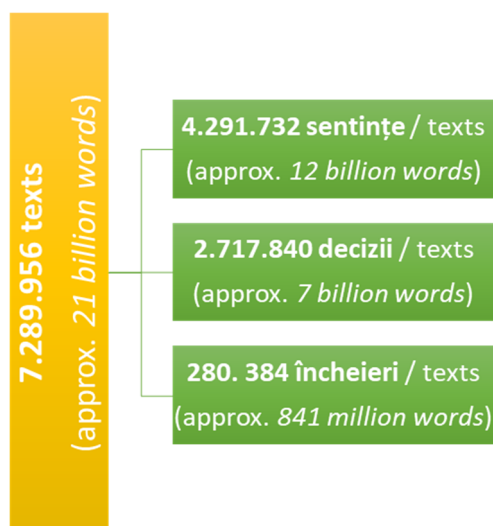


Figure 7 - TransLET Corpus (I) - 'Equivalence' filters¹⁹

¹⁹ **Copyright:** Visual representation created by the author

II. 'Conventional' filters

With regard to the legal translations, it is relevant to categorize texts according to specific legal conventions, such as their subject matter (textual basis) and date of publication (history versus the permanent legislative changes). We established that the field of application will be Civil Law/ Family Law, and we applied the filters – *Tip speță – Dată – Obiect dosar* – provided by the platform, which led to the creation of a corpus consisting of **7.204.146 texts** (approx. 20 billion words). Regarding the date of publication, in order to restrict the number of texts for analysis, we opted for the period 1st August 2018- 1st August 2021, the new corpus including **1.483.392 texts** (approx. 4 billion words).

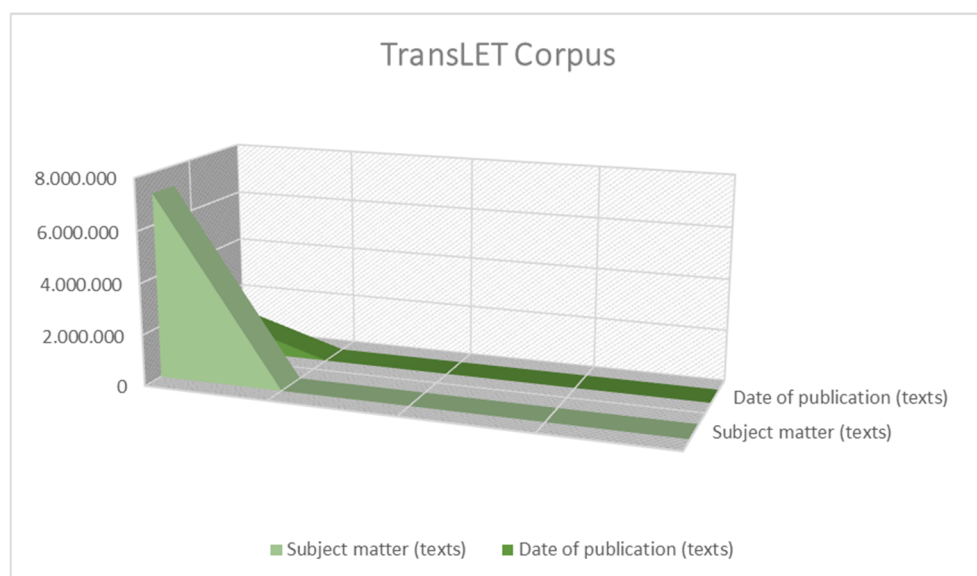


Figure 8 - TransLET Corpus (II) - 'Conventional' filters²⁰

It is necessary to clarify before moving on to the last category of filters, applying the two filters mentioned, equivalence and conventional filters, and researching on the classification of different forms of civil status documents regarding *the restraining or temporary protective orders, divorce, marriage, child custody or support*, that the specific term chosen in this particular context is - *court order*- used in USA and UK, and also in different countries from EU, for the Romanian terms – *sentință/ decizie/ încheiere*, especially – *sentință civilă*.

²⁰ Copyright: Visual representation created by the author

III. 'Functional' filters

The first functional filter applied, in accordance with the description of translation as context-dependent activity, combined the needs of academic use, in order to establish a methodological guide for the specialized translation courses, with those of professional use, such as divorce, restraining or protective, civil status circumstances. We used the filter – *Cuvinte cheie*- from Sintact.ro online platform, and designing particular scenarios (*separația de bunuri, lichidarea regimului matrimonial și divorț; tutela; stabilirea maternității sau a paternității; desfacerea sau anularea căsătoriei; desfacerea sau anularea adopției; contestarea sau anularea filiației; înregistrarea tardivă a nașterii; declararea judecătorească a morții*), a new corpus resulted and included **170.000 texts** (approx. 5 billion words).

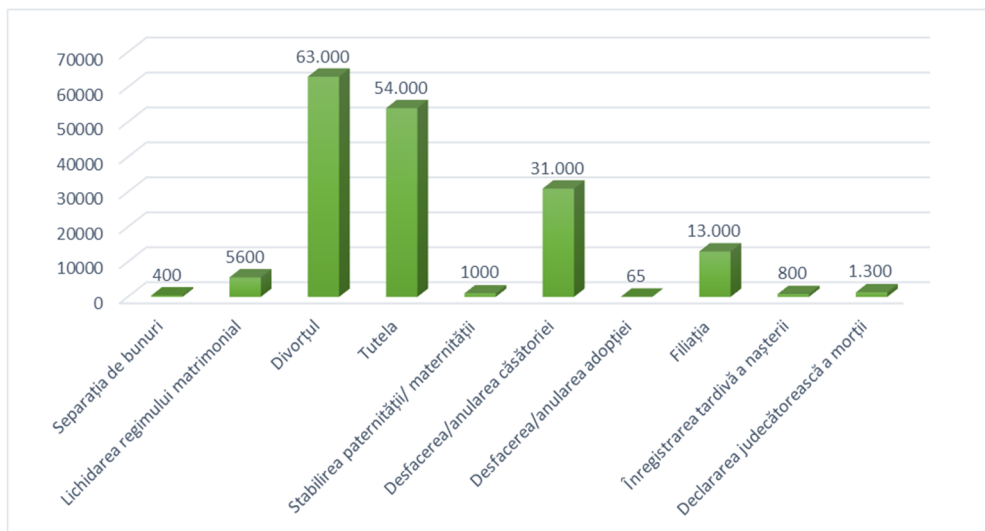


Figure 9 - TransLET Corpus (III) - 'Functional' filter²¹

In order to restrict the number of texts and words and to obtain a final corpus for our research, a final filter was applied - *linguistic evolution*- of the texts chosen for the period 2018-2021, choosing a number of 10 representative texts for each category indicated, obtaining a **final corpus of 100 representative texts** (approx. 170.000 words), namely **court orders** (*sentințe civile*).

²¹ Copyright: Visual representation created by the author

Analysis of textual and extratextual features, problems and strategies

As we mentioned in the introduction of this chapter, our demonstration regarding the translatability of legal texts from Romanian into English is based on two types of analyses: textual analysis and extratextual analysis. This subchapter is dedicated to the textual analysis which will be developed under two parts: the presentation of two instruments used for the analysis of source and target texts and the identification of specific problems in this particular context of legal translations. For the textual analysis through Translation Brief (TB) and T.O.S.T.A we selected texts from all ten categories of texts of our corpus, while for the textual analysis of specific problems we selected general legal terms for this exercise.

Differences in language and cultural conventions

In Chapter 1 and Chapter 2, we could observe that the translatability of legal texts depends on language and cultural conventions and on the similarities and differences between them. From this linguistic-legal perspective, according to Haigh (2009), the differences between British and American English, and because we analyse the translation from Romanian into English, we add – the differences between European or Continental English, Australian English, Canadian English, represent a problem, and if we need to categorize this problem, according to Nord (1991), we can describe this problems as a linguistic or cultural problem, but also a translator-dependent difficulty (See *Chapter II*).

To be able to identify all these differences in language and cultural conventions and to achieve the optimal translatability, Nord (1991) proposes two instruments: Translation Brief (indications and instructions that a client is supposed to send to the translator at the beginning of every translation project) and T.O.S.T.A (Translation-Orientated Source Text Analysis, with an objective analysis of the extratextual and intratextual elements)

Inspired by the models proposed by Nord (1991), but also by another model proposed by Barabino (2020), we created a **LEX T.O.S.T.A model** and incorporated the instructions corresponding to the Translation Brief, but also some conditions concerning specific problems and strategies, in order to analyse these differences in language and cultural conventions.

The LEX T.O.S.T.A model contains information about the name of the source text, some possible instructions the translator needs to perform this activity (target language, target culture, purpose, text format, guidance for

specific terminology, additional procedures, deadline, price), some filters or extratextual conditions in order to help the translator to understand better the source text (producer, receiver, format/ structure, aim, text field/ topic, functions), the possible conditions (linguistic, cultural, pragmatic and textual or text-specific) and the corresponding translation strategies.

Using this LEX T.O.S.T.A model **in our demonstration summarises the theoretical approaches and allows for their applicability under practical approaches, the main purpose being to demonstrate the possible translatability of legal texts through the identification of textual and extratextual elements, problems and effective transfer strategies.**

Table 4 - LEX T.O.S.T.A model adapted from Nord's (1991) and Barabino's (2020) models

Name of the source text (ST):	
Translation Brief (TT):	
	Target language:
	Target culture:
	Purpose:
	Text format:
	Guidance for specific terminology:
	Additional procedures: -
	Deadline: -
	Price:
Extratextual conditions (ST):	
	Producer:
	Receiver:
	Format/ Structure:
	Aim:
	Text field/ topic:
	Function:
Textual conditions (TT):	
	Linguistic conditions:
	Pragmatic conditions:
	Cultural conditions:
	Textual conditions:
Translation strategies:	

The particular analysis of these linguistic and cultural differences between legal texts during the transfer from the source language to the target language is illustrated through a sample which brings together the TB, T.O.S.T.A, specific problems and strategies under the name of **LEX T.O.S.T.A Model**. The model was applied on court orders from different sections of our

corpus, the particular analysis being developed under the form of hypothetical/simulated translation situations applied in academic circumstances. Similar to Nord's rationale for developing the concepts of translation brief and T.O.S.T.A: "to help the students to find these texts, which we usually call parallel texts if they belong to the same text type, and to model their translations according to the patterns they find there" (Nord, 1997:53), we consider that our particular model can have the same purpose.

1. A model of brief analysis of "Section 1 – Separația de bunuri"

For the first particular brief analysis, we extract from the first section of our corpus – I. Separația de bunuri- the text *Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori și familie)*²² and we imagine a hypothetical translation exercise. Our hypothetical context refers to a plaintiff, a Syrian person, who wants to appeal against the decision made by a Romanian judge to International Center for Transitional Justice, with its headquarters in US and EU.

Under these hypothetical circumstances, we establish some hypothetical directions of analysis, following our LEX T.O.S.T.A Model. Regarding the first direction, we establish the target language (*American and European English*) and the target culture (*US and EU cultures*). Therefore, we illustrate the purpose of our analysis, an academic purpose (identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly), but also some guidance for specific terminology (general or semi-specialised or specialised terms, according to the hypothetical receiver, text topic and various conditions established). Moreover, we indicate the text format (written), but also the price (according to the US and EU translation market).

The second direction represents a T.O.S.T.A analysis based on extratextual and textual conditions. The extratextual conditions are the producer (*Judecătoria București Sectorul 1*), the receiver (*International Center for Transitional Justice US and EU*), the format or structure of the source-text, the aim (raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances), the text field/topic (*Civil Law – Family Law*) and the function of the source-text (the material, drafted by a legislative authority, is an official

²² Text code in our corpus: SB_SC Sep2018_Aug2021 (H)

document of Case-law, made available to the wide audience for information of research purposes).

The textual conditions identified are the problems that we theoretically presented in Chapter 2 and they can be linguistic (level of specialisation/legal language), pragmatic (equivalence problems, e.g. Romanian words without English equivalent), cultural (aspects of comparative law) or textual (text category).

For a practical and a particular demonstration regarding the language conditions identified for the first section of our corpus, the terms selected are: (1) *regim matrimonial (al separației de bunuri)*; (2) *separație de bunuri*; (3) *contract de căsătorie*; (4) *convenție matrimonială*; (5) *soți*; (6) *bunuri mobile/ imobile*; (7) *lichidarea patrimoniului comun*; (8) *prima reședință comună a părților/soților*; (9) *regimul matrimonial (al comunității de bunuri)*; (10) *bunuri comune/bunuri proprii*. Some of these terms are analyzed in a detailed form in order to emphasize some specific terminological problems during the transfer from Romanian into English, while some of them are organized according to the source text, some possible equivalent(s) and their sources. Moreover, for some of the terms, we offer equivalents in different linguistic and cultural contexts (EU, UK or US contexts), and for others only in EU contexts. The selection of the terms was made at random.

For the term (1) *regim matrimonial (al separației de bunuri)*²³, we can develop a comparative analysis, the language conditions being doubled by the cultural ones, the differences of meaning resulting from the linguistic and cultural appropriation of these terms. For example, the equivalent for – *regim matrimonial*– is *matrimonial regime* in EU or UK English and *marital regime* in US English. But, if we take into consideration the composed form – *regim matrimonial al separației de bunuri* – the equivalent used in EU and UK English is *matrimonial property regime*, being necessary to mention that for a more exact transfer from Romanian into English, the term commonly used in EU countries is *separate property regime*, according to the definition: ‘A matrimonial property regime common in EU countries whereby each spouse owns and administers the property he or she acquired before the marriage and during marriage. One spouse does not have any rights to the other's property.’ (Thomson Reuters Practical Law Glossary, 2001²⁴). In US English, the term used is *marital property*

²³ Source text: “în sensul de a se constata existența [regimului matrimonial al separației de bunuri] și ca o consecință a acesteia să se constatăte că este proprietarul exclusiv al bunurilor” (*Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori și familie)*)

²⁴ Published on 01-Jun-2001, Jurisdiction: United Kingdom

regime, but there are also two more specific terms: *separate property regime*, ‘property obtained before the marriage, through inheritance, or as a gift (a gift to one spouse but not both)’ (CORNELL LAW SCHOOL – Legal Information Institute) and *community property regime*, ‘assets that come into marriage during the marriage through any means other than inheritance or gift’ (CORNELL LAW SCHOOL – Legal Information Institute).

The definitions offered for the last two terms, *separate property regime* and *community property regime*, lead us to another term, (2) *separație de bunuri*²⁵, the US equivalent being *property division* (CORNELL LAW SCHOOL – Legal Information Institute), but taking into account this difference, other suitable equivalents should be *separate property* and *community property*. Some possible equivalents in EU (COUPLES IN EUROPE – The law for couples in the 27 EU countries, 2012²⁶) and UK English (THOMSON REUTERS PRACTICAL LAW, 2001) are *separate property* or *separate estates of the spouses*.

The transfer of another term, (3) *contract de căsătorie*²⁷, can be problematic due to the particular contexts of English language use. For example, a general possible equivalent in EU countries can be *marriage contract* (COUPLES IN EUROPE – The law for couples in the 27 EU countries, 2012), but according to the matrimonial property regimes or laws applicable to each country (in addition to linguistic problems, we encounter cultural problems), this contract can be a *pre-nuptial contract* (Romanian case) or a *pre-nuptial* and also a *post-nuptial contract* (Lithuania case). Concerning the UK English, the term used is *marital agreement*, while in US English, *marriage contract* is a general term (used also in Canadian English) and there are others forms accepted: *prenuptial agreement*, *premarital agreement*, *antenuptial agreement* (The Institute for Divorce Financial Analysts North America).

For the following terms, we propose a possible transfer from Romanian into English which includes details about the source text, the possible equivalent chosen and its reference, but also about the lexical and legal context selected, namely EU English and EU legal background: (4) *convenție*

²⁵ Source text: “răspunsul Ambasadei Siria la București care menționează că instituția juridică a regimului matrimonial este legea siriană din 1953, respectiv [separația de bunuri]” (*Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori și familie)*)

²⁶ Published on 09-Nov-2012

²⁷ Source text: “or [contractul de căsătorie] reprezintă o convenție matrimonială și îndeplinește toate condițiile impuse de art.2591Cod civil de alegere a regimului matrimonial al separației de bunuri” (*Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori și familie)*)

*matrimonială*²⁸ - *matrimonial convention/ convention on marriage* (EgLEX Association - Non-Profit Organisation for Protection of Human Rights and Family Values in Monaco and Internationally); (5) *soți*²⁹ - *spouses* (The Court of Justice of the European Union – Case-law); (6) *bunuri mobile/imobile*³⁰ - *movable/immovable property* (COUPLES IN EUROPE – The law for couples in the 27 EU countries, 2012); (7) *lichidarea patrimoniului comun*³¹ - *liquidation of joint property* (European e-Justice Portal); (8) *prima reședință comună a părților/soților* - *the spouse's first common habitual residence*³² (Europa.eu – Your Europe/Couples - Property regimes for international couples); (9) *regimul matrimonial (al comunității de bunuri)*³³ - *the community of property regime* (European e-Justice Portal); (10) *bunuri comune/bunuri proprii* – *matrimonial assets/non-matrimonial*

²⁸ Source text: “or contractul de căsătorie reprezintă o [convenție matrimonială] și îndeplinește toate condițiile impuse de art.2591Cod civil de alegere a regimului matrimonial al separației de bunuri” (*Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori si familie)*)

²⁹ Source text: “Instanța observă cu acest prilej că instanțele s-au raportat, în primul rând, la reședința comună obișnuită a [soților], care era la acea dată în România, concluzionând că legea aplicabilă efectelor generale ale căsătoriei este legea română, iar din punctul de vedere al regimului matrimonial, câtă vreme [soții] nu au ales expres legea aplicabilă, prin înscris semnat și datat de [soți], cu atât mai puțin s-ar putea considera că ar exista o convenție matrimonială” (*Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori si familie)*)

³⁰ Source text: (A) „În timpul căsătoriei, foștii soți au dobândit [bunuri mobile], estimate la valoarea totală de 12.300 Euro, echivalentul în lei a sumei de 59,985 lei.” (*Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori si familie)*)

(B) „Cu referire la speța dedusă acestei judecăți, instanța notează că revizuentul a solicitat revizuirea unei hotărâri judecătorești având ca obiect o acțiune în constatare care vizează, în principal, stabilirea calității de proprietar exclusiv al unui dintre soți cu privire la anumite [bunuri imobile] dobândite în cursul căsătoriei” (*Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori si familie)*)

³¹ Source text: „La data de 31.05.2017 pârâta G____ I____ L____ a formulat întâmpinare prin intermediul căreia a solicitat [lichidarea patrimoniului comun] în sensul împărțirii bunurilor comune în mod echitabil, în natură, proporțional cu cota de participare avută de fiecare dintre soți la dobândirea acestora, cu reducerea activului partajabil cu suma reprezentând ratele achitate exclusiv de către aceasta, aferente creditului contractat la BCR S.A.” (*Sentința nr. 4457/2018 din 13-nov-2018, Judecătoria Drobeta Turnu Severin, separația de bunuri (Minori și familie)*)

³² Source text: “A mai susținut că părțile, ambele cetățeni sirieni, au ales prin încheierea căsătoriei în Siria să li se aplice regimul matrimonial al bunurilor prevăzut de legea siriană, că [prima reședință comună a părților] a fost în Siria, toate acestea conducând la concluzia că legea aplicabilă în speță este legea siriană.” (*Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori si familie)*)

³³ Source text: „[...] prin care pârâta-reclamantă, intimată în această procedură, a solicitat să se constate că [regimul matrimonial este cel al comunității de bunuri] și, în cazul în care s-ar constata că regimul matrimonial este cel al separației de bunuri, atunci să se constate că unul dintre respectivele bunuri imobile este bunul său propriu.” (*Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori si familie)*)

assets (DivorceOnline.co.uk - The Law on Matrimonial vs Non-Matrimonial Assets in Divorce).

At the end of this particular analysis, we offer some possible translation strategies applicable to all types of textual conditions/translation problems mentioned above: consulting parallel corpora and dictionaries and consulting official sources (for example, EU Terminology Database).

2. A model of brief analysis of “Section 2 - Lichidarea regimului matrimonial”

For the second particular analysis, we imagine an exercise of comparison of the structural and terminological evolution of all court orders from a linguistic and cultural perspective, between 2018-2021, from the second section of our corpus –*Lichidarea regimului matrimonial*. At the end of this exercise, we should retain legal texts are anchored in traditions, conventions, methodologies and specialized terminology which allow the achievement of their translatability in a context-dependent translation activity due to their linguistic and cultural permanence nature.

In this hypothetical scenario, we outline several potential directions for analysis within our LEX T.O.S.T.A model. The initial focus delves into specific guidelines about target language variations (British, American, European English), target cultural nuances (UK, US, EU cultures), and the intended purpose. This purpose entails identifying distinct cultural and terminological components essential for enriching experiential learning activities within the legal translation domain. Such activities necessitate a particular understanding of diverse cultural, linguistic, and pragmatic contexts to accurately interpret and comprehend legal materials. Additionally, we consider aspects such as text format (written), specific terminology requirements (general to semi-specialized or specialized terms), according to the hypothetical receiver, text subject matter, and contextual conditions.

The second direction represents a T.O.S.T.A analysis based on extratextual and textual conditions. The extratextual conditions are the producer (*Romanian Courts*), the receiver (*UK – US – EU Courts*), the format or structure of the source-text, the aim (raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances), the text field/topic (*Civil Law – Family Law*) and the function of the source-text (the material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes). The textual conditions

are the problems that we theoretically identified in the second theoretical chapter and they can be linguistic, pragmatic, cultural or textual.

For the demonstration regarding the language conditions identified for the second section of our corpus, the terms selected are: (1) *lichidarea regimului matrimonial*; (2) *pretenții*; (3) *tranzacție/contract de tranzacție*; (4) *partajul bunurilor comune*; (5) *regimul comunității legale de bunuri*; (6) *lichidarea masei partajabile*; (7) *încuviințarea acordului de mediere*; (8) *stare de devălmășie*; (9) *cerere de consfințire a acordului*; (10) *consfințire acord mediere*. The terms are organized on the basis of source text, possible equivalent(s) and their sources, according to different linguistic and cultural contexts (EU, UK or US contexts). And this time, the selection was made at random.

For the first term extracted, (1) *lichidarea regimului matrimonial*³⁴, we develop the particular analysis due to the content-dependent nature of our translation activity. For example, a general legal term is used independently of English target language – *liquidation of the matrimonial regime or property*. In Canadian English the term used is – *liquidation of the matrimonial regime or property* (Justice Quebec), while in US English the term preferred is *liquidation of marital property* (US Case-Law). Regarding EU English, the online terminological database of EU – IATE- specifies that the term - *liquidation of the matrimonial property* is deprecated and it proposes a new term, used also in UK English contexts - *settlement of rights in property arising out of the matrimonial relationship*.

Another term identified and analysed in the European context is (2) *pretenții*³⁵. We develop an analysis based on possible solution for the transfer RO-EN [Romanian-English] and possible strategies applied, being identified a relevant source for the possible equivalent: *submissions/forms of order sought* (European English/ INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri).

For the term (3) *tranzacție/ contract de tranzacție*³⁶, we identify a general legal term which is used independently of English target language – *legal*

³⁴ Source text: „Pe rol judecarea cauzei minori și familie privind pe reclamant C G, cu domiciliul în Năvodari, cu domiciliu ales la Cabinet avocat A C, în Năvodari, și pe pârât C N I, domiciliat în Navodari, Lanului, nr. 21C, J C, având ca obiect partaj bunuri comune/[lichidarea regimului matrimonial].” (Sentința nr. 8344/2018 din 06-aug-2018, Judecătoria Constanța, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie))

³⁵ Source text: „Pârâtul renunță la orice [pretenții] viitoare legate de lichidarea regimului matrimonial” (Sentința nr. 8344/2018 din 06-aug-2018, Judecătoria Constanța, partaj bunuri comune/lichidarea regimului matrimonial (Minori si familie))

³⁶ Source text: “La termenul de judecată din data de 06.07.2018 părțile s-au prezentat în fața instanței arătând că au ajuns la o înțelegere privind modalitatea de împărțire a patrimoniului

transaction -, consulting parallel texts and official sources (websites), namely Case-law parallel texts.

Regarding the subsequent terms, we suggest a possible translation from Romanian to English, which comprises information regarding the source text, the selected equivalent, along with its reference. Furthermore, we provide insights into the lexical and legal context chosen, specifically focusing on EU English and the legal framework within the EU: (4) *partajul bunurilor comune*³⁷ - *division of joint property* (European e-Justice Portal); (5) *regimul comunității legale de bunuri*³⁸ - *the statutory community of property regime* (European e-Justice Portal); (6) *lichidarea masei partajabile*³⁹ - *separation of the spouses' respective assets* (European e-Justice Portal); (7) *încuviințarea acordului de mediere*⁴⁰ - *agree to proceed to mediation* (European Union Intellectual Property Office/EUIPO); (8) *stare de devălmășie* - *joint property/ownership* (European e-Justice Portal); (9) *cerere de consfințire a acordului* - *mediation request* (European Union Intellectual Property Office/EUIPO); (10) *consfințire acord mediere*⁴¹ - *settle the dispute by mediation/ mediation settlement agreement* (European Union Intellectual Property Office/EUIPO).

părților și au depus la dosar o [tranzacție] încheiată în acest sens la data de 06.07.2018, pe care au semnat-o în fața instanței.” (*Sentința nr. 8344/2018 din 06-aug-2018, Judecătoria Constanța, partaj bunuri comune/lichidarea regimului matrimonial (Minori si familie)*)

³⁷ Source text: „[...] încuviințarea acordului de mediere nr. 52 din 17 iunie 2018 cu privire la [partajul bunurilor comune] dobândite în timpul căsătoriei[...]” (*Sentința nr. 355/2019 din 22-apr-2019, Judecătoria Darabani, partaj bunuri comune/lichidarea regimului matrimonial (Minori si familie)*)

³⁸ Source text: „Pe cale de consecință, având în vedere dispozițiile art. 339Cod civil și luând în considerare faptul că [regimul matrimonial al comunității legale de bunuri] nu a fost încă lichidat, raportat și la efectul subrogației reale cu titlu particular, suma de bani la care face referire în cuprinsul prezentei acțiuni, are caracter de bun comun deținut în devălmășie, aspect prevăzut și de art. 356Cod civil.” (*Sentința nr. 3330/2020 din 22-iul-2020, Judecătoria Cluj Napoca, pretenții ca urmare a divorțului (Minori si familie)*)

³⁹ Source text: „Din examinarea înscrisului depus de părți se constată că sunt îndeplinite toate condițiile, atât sub aspect formal cât și sub aspect material pentru valabilitatea tranzacției, părțile stabilind de comun acord [lichidarea masei partajabile] compusă din suma de [...]” (*Sentința nr. 8344/2018 din 06-aug-2018, Judecătoria Constanța, partaj bunuri comune/lichidarea regimului matrimonial (Minori si familie)*)

⁴⁰ Source text: „[...] [încuviințarea acordului de mediere] nr. 52 din 17 iunie 2018 cu privire la [partajul bunurilor comune] dobândite în timpul căsătoriei[...]” (*Sentința nr. 355/2019 din 22-apr-2019, Judecătoria Darabani, partaj bunuri comune/lichidarea regimului matrimonial (Minori si familie)*)

⁴¹ Source text: „La ordine, pronunțarea asupra acțiunii civile având ca obiect [consfințire acord mediere] formulată de reclamanta [...]” (*Sentința nr. 355/2019 din 22-apr-2019, Judecătoria Darabani, partaj bunuri comune/lichidarea regimului matrimonial (Minori si familie)*)

At the end of this particular analysis, we offer some possible translation strategies applicable to all types of textual conditions/translation problems mentioned above: consulting parallel corpora and official sources, but also consulting monolingual and bilingual dictionaries, glossaries, vocabularies.

3. A model of brief analysis of “Section 3 – Divorț”

For the third textual analysis, we extract from the third section of our corpus – *Divorț*– the court orders which represented an exequator (Canada, London, Texas, Ontario, UE) and we imagine a hypothetical international translation context in order to compare the structural and terminological evolution of these court orders from a linguistic perspective. Under these hypothetical circumstances, we establish some hypothetical directions of analysis according to our LEX T.O.S.T.A model: different target languages (British – American – Canadian – European English) and various target cultures (US – UK – EU – Canadian cultures); three particular purposes, academic, personal or professional, for a unique text format (written) and following some guidelines regarding the specific terminology (general, semi-specialised or specialised terms).

The **LEX T.O.S.T.A model** is accompanied by a T.O.S.T.A analysis, based on extratextual and textual conditions. The extratextual conditions are the producer (Romanian Courts), the receivers (UK – US – EU – Canadian Courts), the format of the source-text (as a Romanian court order), the aim, the text field/topic (Civil/Family Law) and the function of the source-text (informative or for research purposes). The textual conditions are the problems that we have already theoretically identified: linguistic (legal language), pragmatic (equivalence problems), cultural (legal system features or different branches of law) or textual (different text categories).

For our practical and particular demonstration regarding the language conditions identified for the third section of our corpus, the terms selected are: (1) *desfacerea căsătoriei* and (2) *cerere de desfacere a căsătoriei*; (3) *cerere de divorț* and (4) *certificat de divorț*; (5) *divorțul, separarea de drept și anularea căsătoriei*; (6) *(declarație) schimbare nume*; (7) *hotărâre divorț*; (8) *pronunțarea divorțului*; (9) *solicitarea păstrării numelui din căsătorie*; (10) *divorț prin acord*. Some of these terms are analyzed in a detailed form in order to emphasize some specific terminological problems during the transfer from Romanian into English, while some of them are organized by source text, possible equivalent(s) and their sources. Moreover, for some of the terms, we offer equivalents in different linguistic and cultural contexts (EU, UK or US contexts), and for others only in EU contexts.

For the terms (1) *desfacerea căsătoriei* and (2) *cerere de desfacere a căsătoriei*, we develop a comparative analysis, the language conditions being doubled by the cultural ones, the differences of meaning resulting from the linguistic and cultural appropriation of these terms. For example, the equivalent for the term – *cerere*⁴² – can be *application for the dissolution of marriage* (EU context: *The Court of Justice of the European Union*; UK context: GOV.UK – Courts, sentencing and tribunals) or *petition for dissolution of marriage* (US context: *19th Judicial Circuit Court, Lake County/ Illinois*), while the equivalent for the term – *desfacerea căsătoriei*⁴³ – is *dissolution (of marriage)* for all those possible target languages chosen.

Regarding the terms (3) *cerere de divorț* and (4) *certificat de divorț*, there are several options for *cerere de divorț*⁴⁴, such as *divorce petition* (where the term divorce expresses the end of a marriage and is used in the UK) or *petition for divorce* (dissolution) in the US context, *dissolution petition* (where the term dissolution evokes the end of a civil partnership of same-sex couples and is used in the UK), *application for divorce* (the term being used for divorces and legal separations in different countries of the EU, one of which being Romania). Concerning the word *certificat de divorț*⁴⁵, the English term used in all target contexts is *divorce certificate*.

Regarding the terms: (5) *divorțul, separarea de drept și anularea căsătoriei*; (6) *(declarație) schimbare nume*; (7) *hotărâre divorț*; (8) *pronunțarea divorțului*; (9) *păstrarea numelui din căsătorie*; (10) *divorț prin acord*, we tried to find suitable equivalents in EU and international contexts: (5) *divorțul, separarea de drept și*

⁴² Source text: „Prin urmare, sesizarea instanței nu poate fi făcută decât printr-o [cerere de desfacere a căsătoriei], iar nu printr-o cerere de omologare a acordului de mediere cu privire la divorțul părților.” (*Sentința nr. 444/2018 din 14-aug-2018, Judecătoria Oravița, consfințire acord mediere (Minori si familie)*)

⁴³ Source text: „Analizând actele existente la dosar instanța va reține că prin acțiunea formulată, petenții au solicitat (...) ca instanța să pronunțe o hotărâre de expedient care să consfințească înțelegerea părților concretizată într-un acord de mediere prin care au hotărât [desfacerea căsătoriei].” (*Sentința nr. 444/2018 din 14-aug-2018, Judecătoria Oravița, consfințire acord mediere (Minori si familie)*)

⁴⁴ Source text: „Astfel, în ceea ce privește divorțul, [cererea] nu va putea fi formulată potrivit dispozițiilor art. 59 alin. (2) din Legea nr. 192/2006, ci ea va trebui să respecte dispozițiile speciale de procedură prevăzute de art. 916 coroborat art. 195 și cu art. 930C. proc. civ.” (*Sentința nr. 444/2018 din 14-aug-2018, Judecătoria Oravița, consfințire acord mediere (Minori si familie)*)

⁴⁵ Source text: „În aceste condiții consideră că se îndeplinesc toate condițiile statuate de dispozițiile art. 1096NCPC, pentru a se pronunța o hotărâre de recunoaștere pe teritoriul României a acestui [certificat de divorț], judecata prezentei cereri făcându-se fără citarea celui alt soț conform art. 1102 alin. (2) NCPC, fiind acceptată de celălalt soț.” (*Sentința nr. 1567/2018 din 20-sept-2018, Tribunalul București, exequator (recunoașterea înscrisurilor și hotărârilor străine) (Minori si familie)*)

anularea căsătoriei - divorce, legal separation or marriage annulment (The Court of Justice of the European Union); (6) *(declarație) schimbare nume* – application form to change the register for a property including changing your name (Gov.uk/Housing and communities); (7) *hotărâre divorț* – divorce decree⁴⁶; (8) *pronunțarea divorțului* - the pronouncement of the Final Order (Tinsdills Solicitors, UK); (9) *păstrarea numelui din căsătorie* – (to) keep the married name; (10) *divorț prin acord* – divorce by agreement (US context, for example Texas).

If we take a closer look to the pragmatic conditions, we can observe a problematic transfer regarding the names of institutions or official documents. For example, - *Registrul național al regimurilor matrimoniale*⁴⁷ -. The equivalent used in EU English is *National Matrimonial Property Regimes Registry* (COUPLES IN EUROPE – The law for couples in the 27 EU countries, 2012), but in UK English we cannot find a correspondent because there are no special registers for matrimonial property. Another example is - *Curtea Superioară de Justiție din Toronto*⁴⁸ – and due to the fact that the name of the institution is used in a particular context. Applying the strategy of consulting official sources, we found an equivalent, - *The Superior Court of Justice in Ontario* (Toronto being the capital of the province of Ontario – in this context, the cultural conditions can be emphasized).

At the end of this particular analysis, we offer some possible translation strategies applicable to all types of textual conditions/translation problems

⁴⁶ We should mention that there is an important distinction between a *divorce decree* and a *divorce certificate*. A divorce decree is defined as “a court document that is a final judgment from divorce court. It contains information about your case including spousal support, child support, custody, visitation, property division, and other information”, while a divorce certificate represents “a simple document that shows you are divorced; the names of both former spouses; the date of the divorce; the place of the divorce” and it is not prepared by a court. (Source: Ronna L. DeLoe, (2022), Divorce decree vs. divorce certificate: What's the difference?, URL: <https://www.legalzoom.com/articles/divorce-decree-vs-divorce-certificate-whats-the-difference>)

⁴⁷ Source text: „Astfel, potrivit dispozițiilor art. 928 alin. (4) C. proc. civ., instanța la care hotărârea de divorț a rămas definitivă o va trimite din oficiu serviciului de stare civilă unde a fost încheiată căsătoria, [Registrului național al regimurilor matrimoniale] și, dacă unul dintre soți este profesionist, registrului comerțului.” (*Sentința nr. 444/2018 din 14-aug-2018, Judecătoria Oravița, consfințire acord mediere (Minori si familie)*)

⁴⁸ Source text: „Prin cererea înregistrată la data de 10.07.2018, sub nr. XXXXXXXXXXXX, petenta L____ A____ a solicitat instanței, ca prin hotărârea ce se va pronunța să se dispună recunoașterea certificatului de divorț, emis la data de 26.04.2006 de către [Curtea Superioară de Justiție din Toronto], statul Ontario, prin care s-a recunoscut desfacerea căsătoriei, încheiate la data de 24.08.1997 în România, dintre soții R____ O____ T____ și A____ T____.” (*Sentința nr. 444/2018 din 14-aug-2018, Judecătoria Oravița, consfințire acord mediere (Minori si familie)*)

mentioned above: consulting parallel corpora, consulting official sources, consulting dictionaries, glossaries and vocabularies.

4. A model of brief analysis of “Section 4 – Tutela”

For the fourth particular analysis, we extract from the fourth section of our corpus – IV. Tutela- the text *Sentința nr. 15045/2019 din 30-dec-2019, Judecătoria Iași, tutela (Minori și familie)*⁴⁹ and we imagine a hypothetical translation exercise/analysis in a particular context, namely the court approval being necessary for medical treatment abroad, in EU countries.

Under these hypothetical circumstances, we establish some hypothetical directions of analysis in our LEX T.O.S.T.A model. The first direction illustrates specific guidelines about target language (*European English*), target culture (*EU culture*), purpose (*academic, but also personal and professional*), text format (*written*), specific terminology (*general or semi-specialised or specialised terms, according to the hypothetical receiver, text topic and various conditions established*) and price (*according to the EU translation market*).

The second direction represents a T.O.S.T.A analysis based on extratextual and textual conditions. The extratextual conditions are the producer (*Judecătoria Iași*), the receiver (*an institution empowered to control civil registry documents for travelling purposes*), the format or structure of the source-text (*the text is structured as a Romanian court order*), the aim (*raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances*), the text field/topic (*Civil Law/Family Law*) and the function of the source-text (*the material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes*).

The textual conditions are the problems that we theoretically identified in the theoretical part and they can be linguistic (*legal English*), pragmatic (*Romanian legal terms without an English equivalent*), cultural (*different aspects of comparative law*) or textual (*text types*).

For the fourth section of our corpus, the terms selected for the particular demonstration regarding language conditions are: (1) *tutelă* and (2) *curatelă*; (3) *tutore* and (4) *curator*; (5) *instanța de tutelă*; (6) *tutela minorului*; (7) *încetarea tutelei*; (8) *numire/desemnare tutore*; (9) *minor lipsit de ocrotirea părintească*.

Due to the fact that in Romanian the terms (1) *tutelă* and (2) *curatelă* are defined separately, *tutela* is defined as “acțiunea de a tutela; instituție legală având drept scop ocrotirea și administrarea intereselor unui minor sau ale unui

⁴⁹ Text code in our corpus: TUT_SC Sep2018_Aug2021 (E)

alienat sau debil mintal” (DEX Dictionary), while *curatela* is defined as “instituție legală pentru ocrotirea unei persoane care are capacitatea civilă, dar care, din cauza bătrâneții, a unei boli ori infirmități fizice sau a lipsei îndelungate de la domiciliu, nu-și poate administra singură bunurile și apăra interesele și nici nu a putut să-și desemneze un reprezentant.” (DEX Dictionary), but also as “instituție legală pentru ocrotirea și administrarea intereselor unui minor, ale unei persoane incapabile (fizic sau psihic)” (DEX Dictionary), it means that we can associate this last definition to the definition of *tutela* if we take a closer look to the object of both actions (*minorul*). In this context, we develop a comparative analysis in order to find the similarities and the differences in English target contexts. For example, in EU English (official sources: European Union Agency for Fundamental Rights, European Parliament), the term used for both Romanian terms is *-guardianship*, the official sources adding an explanation in some particular context (guardianship for children/guardianship for vulnerable persons, the first term being the equivalent for the Romanian term – *tutela*⁵⁰- and the second term for – *curatela* -). In UK English (Gov.uk), the term is – *guardianship* – for both Romanian terms. Also, the term – *guardianship for adults* – is used in particular contexts (in this specific context, being the equivalent for the Romanian term – *curatela* -). In US English, the terms – *guardianship* – is used in cases as “determine residence, consent to medical treatment, make end-of-life decisions, possess a driver’s license, manage, buy, or sell property, own or possess a firearm or weapon, contract or file lawsuits, marry or vote” (The United States Department of Justice, 2022). For the term (2) *curatela* the equivalent in all legal English contexts mentioned is the same, namely – *guardianship* -, with some differences mentioned above.

For the terms (3) *tutore* and (4) *curator*⁵¹, in UK English (Gov.uk) we can observe different forms as in Romanian, the equivalent for *-tutore-* being *guardian* or *legal guardian* and the equivalent for – *curator-* being *special guardian*, especially when the application is made to be the guardian of a child. In US English, according to The Uniform Guardianship, Conservatorship and Other Protective Arrangements Act, the term *guardian* defines “a person

⁵⁰ Source text: „Precizează că S. _____ C. _____ se îngrijește în permanență de bolnav și are posibilitatea să îndeplinească el obligațiile inerente [tutelei] și să se îngrijească în mod corespunzător de acesta.” (Sentința nr. 15045/2019 din 30-dec-2019, Judecătoria Iași, tutela (Minori și familie))

⁵¹ Source text: „Prin cererea înregistrată pe rolul acestei instanțe sub nr. xxxxx /245/2019 din 04.09.2019, petenta D E a solicitat înlocuirea sa din calitatea de curator pentru bolnavul C A Constantin și numirea tutorelui în persoana numitului S C.” (Sentința nr. 15045/2019 din 30-dec-2019, Judecătoria Iași, tutela (Minori și familie))

appointed by a court to manage the care and well-being of another person” (The United States Department of Justice, 2022), while the term *conservator* “a person appointed by the court to manage the property of another person” (The United States Department of Justice, 2022). The second term is the term used to designate the Romanian term – curator -, term that is also used under the same form in some American states (as Louisiana). Regarding the EU English (official sources: European Parliament, European Union Agency for Fundamental Rights), the term -guardian- is used for both Romanian terms.

Moreover, the translation of the term (5) *instanța de tutelă* may raise questions about the appropriate equivalent in the specific context of legal English usage. In this context, according to the European Union Agency for Fundamental Rights (*Guardianship systems for unaccompanied children in the European Union: developments since 2014*, 2022), the term chosen for the EU context is *the family court*, this institution being responsible for the appointment of a guardian (*tutore*). Furthermore, in US context, according to the U.S Department of Justice (*Guardianship*), there are different terms which are considered to be equivalents for the Romanian term: *state courts and specialized courts (probate courts, surrogates courts, orphan’s courts)*, due to the fact that all these institutions appoint guardians (*tutori*).

For other terms such as (6) *tutela minorului*; (7) *încetarea tutelei*; (8) *numire/desemnare tutore*; (9) *minor lipsit de ocrotirea părintească*, we propose suitable equivalents, especially in EU contexts: (6) -minor guardianship- (US context)/ -guardianship for/of children- (EU context)/ -guardianship of young children- (UK context); (7) termination of guardianship; (8) appointing a (legal) guardian; (9) children deprived of parental care.

At the end of this particular analysis, we offer some possible translation strategies applicable to all types of textual conditions/ translation problems mentioned above: consulting parallel corpora and dictionaries (for example, Civil Procedure and Civil Law Glossary, EU Court of Justice Case-law) and consulting official sources (for example, EU Terminology Database).

5. A model of brief analysis of “Section 5 – Stabilire maternitate”

For the fifth particular analysis – V. Stabilire maternitate -, we propose an analysis which highlights a comparison of the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021.

Under these hypothetical circumstances, we establish some directions of analysis in our LEX T.O.S.T.A model.

The initial direction outlines precise criteria concerning the target language (British/American/European English), the target culture (UK/US/EU

cultures), the purpose (academic use), the textual format (written), and the specialized terminology.

The subsequent direction implies a T.O.S.T.A analysis based on both extratextual and textual considerations. Extratextual factors encompass the producer (Romanian Courts), the receiver (UK/US/EU Courts), the format of the source-text, the aim, the subject matter, and the purpose of the source-text. The textual conditions pertain to the issues theoretically identified in Chapter 2, which can be linguistic, pragmatic, cultural, or textual aspects.

For our demonstration regarding the language conditions identified for this section of our corpus, the first pair of key terms is: (1) *maternitate*⁵² and (2) *paternitate* and the equivalents that we propose are maternity and paternity, applying the strategy of consulting parallel texts in different specialized contexts.

We continue our analysis with other particular terms, such as: (3) *menționarea numelui de familie și a prenumelui*⁵³; (4) *certificat de naștere*⁵⁴; (5) *stabilire maternitate(/paternitate)*⁵⁵; (6) *mamă naturală/tată natural*⁵⁶; (7) *fiu natural/fică naturală*. The equivalents used in EU, UK or US legal contexts are: (3) *add the mother's name/father's name* (to the child's birth certificate); (4) *birth*

⁵² Source text: "Admite cererea formulată de reclamantul A A-D, cu domiciliul în municipiul Baia M, în contradictoriu cu pârâta B B, cu domiciliul în municipiul Baia M, , având ca obiect stabilire [maternitate]." (*Decizie nr. 3355/2021 din 20-apr-2021, Judecătoria Baia Mare, stabilire maternitate (Minori si familie)*)

⁵³ Source text: "[...] și să dispună [menționarea numelui de familie și a prenumelui] pârâtei la rubrica,,Mama" în certificatul de naștere al reclamantului, precum și efectuarea mențiunilor corespunzătoare în registrul de stare civilă al municipiului Baia M." (*Decizie nr. 3355/2021 din 20-apr-2021, Judecătoria Baia Mare, stabilire maternitate (Minori si familie)*)

⁵⁴ Source text: "[...] și să dispună menționarea numelui de familie și a prenumelui pârâtei la rubrica,,Mama" în [certificatul de naștere] al reclamantului, precum și efectuarea mențiunilor corespunzătoare în registrul de stare civilă al municipiului Baia M____." (*Decizie nr. 3355/2021 din 20-apr-2021, Judecătoria Baia Mare, stabilire maternitate (Minori si familie)*)

⁵⁵ Source text: "Admite cererea formulată de reclamantul A A-D, cu domiciliul în municipiul Baia M, în contradictoriu cu pârâta B B, cu domiciliul în municipiul Baia M, având ca obiect [stabilire maternitate]." (*Decizie nr. 3355/2021 din 20-apr-2021, Judecătoria Baia Mare, stabilire maternitate (Minori si familie)*)

⁵⁶ Source text: "Totodată, reclamantul a precizat că, după decesului [tatălui său natural], a fost adoptat de către numitul B E, în baza Sentinței nr. 23 din 11 martie 1999, pronunțată în Dosarul nr. 3924/1998, de către Tribunalul Maramureș - Secția Civilă, și că, ulterior adopției respective, pârâta s-a căsătorit cu numitul B____ E____. De asemenea, reclamantul a subliniat faptul că, în urma adopției amintite, la rubrica „Mama” din certificatul său de naștere nu a mai fost trecută pârâta, care este [mama sa naturală]." (*Decizie nr. 3355/2021 din 20-apr-2021, Judecătoria Baia Mare, stabilire maternitate (Minori si familie)*)

certificate; (5) *acknowledgment of maternity(/paternity)*⁵⁷; (6) *birth mother/father*; (7) *natural son/natural daughter/natural child* (for both terms).

If we take a closer look to the pragmatic conditions, we can observe a problematic transfer regarding the names of institutions. For example, - *Direcția Generală de Asistență Socială și Protecția Copilului*- and its acronym DGASPC. The equivalent used in EU English (official source: European Institute for Gender Equality) is *General Directorate of Social Assistance and Child Protection* (for the Romanian context), and the acronym used is the Romanian one.

At the end of this particular analysis, we offer as translation strategy applicable to the textual conditions/translation problems mentioned above the strategy of consulting parallel corpora (UK Case-law; US Case-law; EU Court of Justice Case-law).

6. A model of brief analysis of “Section 8 – Filiație”

For our last analysis, we imagine a hypothetical translation exercise which refers to a comparison of the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021, in different English legal contexts. We establish some hypothetical directions of analysis which illustrate specific guidelines about target language, target culture, purpose, text format, specific terminology. Then, the analysis is based on extratextual and textual conditions. The extratextual conditions are the producer, the receiver, the format or structure of the source-text, the aim, the text field/ topic and the function of the source-text. The textual conditions are the problems that we theoretically identified in Chapter 2.

Investigating legal conditions in this particular context, for the following terms, we offer a possible transfer from Romanian into English which includes details about the source text, the possible equivalent chosen and its reference, but also about the lexical and legal context selected, namely EU English and EU legal background: (1) *răspundere părintească* – *parental responsibility* (The Court of Justice of the European Union – Case-law); (2) *încredințare/drept de vizită* - *rights of custody and rights of access* (The Court of Justice of the European Union – Case-law); (3) *statut de minor* – *status of minor* (The Court of Justice of the European Union – Case-law); (4) *filiație naturală sau adoptivă* - *natural or adoptive parentage* (The Court of Justice of the European Union – Case-law); (5) *stabilire filiație* - *determination of parentage* (The Court of Justice of the European Union –

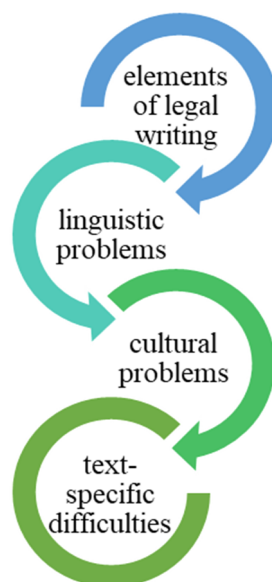
⁵⁷ In different EU legal contexts (Belgium, the Netherlands, Finland), we can find a term which includes both terms, maternity and paternity: (**acknowledgment of parentage** (Belgium, Federal Public Service source)/**parenthood** (Finland, City of Helsinki source/the Netherlands, Government of the Netherlands source)).

Case-law); (6) *act de naștere – birth certificate* (The Court of Justice of the European Union – Case-law).

At the end of this particular analysis, we offer some possible translation strategies applicable to all types of textual conditions/ translation problems mentioned above: consulting parallel corpora or consulting official sources.

Elements of legal writing

From a linguistic-legal point of view, according to Haigh (2009), a first challenge to tackle or a problem to overcome by a legal translator during the problem-solving process (the translator activity) is represented by the transfer of the elements of legal writing (articles, prepositions, pronouns, adjectives, collective nouns, uncountable nouns, phrasal verbs, verb forms, sentence structure) and the basic standards of legal writing (terminology) from source to target text. If we returned to our primary linguistic classification of problems, Nord (1991) would qualify these elements of legal writing as text-specific difficulties or linguistic problems. Moreover, if we remember the fact that the translatability of legal texts is based on language and culture research, its demonstration depending on a specific context, we can recategorize this linguistic problem and describing it as a cultural problem also. All these elements are assessed in the following with examples from our corpus.



A. Articles

Translating words from Romanian into English using the definite article represents a first problem. In Romanian, the definite article is placed at the end of the word, while in English, -the- is placed in front of the word. This definite article is used when referring to something already mentioned before, when referring to something that is the only one of its kind, or when referring to a specific thing/ way of doing something (Haigh, 2009). But there are situations when it is not necessary to use this definite article, especially when using certain abstract nouns in a general, conceptual sense. The first example extracted from our corpus, the term – *căsătorie*- (561 occurrences), used in the sections ***Separăția de bunuri*** and ***Desfacerea/ Anularea căsătoriei***, is conclusive regarding the distribution of the definite article – *the*-:

+ definite article	- definite article
„s-a dispus desfacerea căsătoriei dintre părți, din vina exclusivă a pârâtului, revenirea acesteia la numele deținut anterior căsătoriei* [before THE marriage] ...”	„s-a dispus desfacerea căsătoriei* [dissolution of (O) marriage], din vina exclusivă a pârâtului, revenirea acesteia la numele deținut anterior căsătoriei*... ”
Source: LRM_SCSep2018_Aug2021 (A) Appendix 1	Source: LRM_SCSep2018_Aug2021 (A) Appendix 1

A second example is represented by the term – *drept/ drepturi*- (496 occurrences):

+ definite article	- definite article
„potrivit principiului disponibilității prevăzut de art. 9 C.proc.civ., acestuia i se recunoaște și dreptul [THE right to...] de a renunța la judecată ...”	„Întrucât dorește să-și refacă viața și să se stabilească în România și întâmpină greutăți cu privire la acte și drepturi [acts and (O) rights] în România ...”
Source: SB_SCSep2018_Aug2021 (C) Appendix 1	Source: SB_SCSep2018_Aug2021 (C) Appendix 1

A third example is given by the usage of the term(s) – *efect/efecte*- (76 occurrences):

+ definite article	- definite article
„În mod just și legal instanța a argumentat în sensul că „ efectul [THE effect] pozitiv al prezumției lucrului judecat ...”	„Înscris sub semnătură privată care ar produce efecte [having (O) legal effect] dacă ...”
Source: STM_SCSep2018_Aug2021 (J) Appendix 1	Source: LRM_SCSep2018_Aug2021 (D) Appendix 1

B. Prepositions

According to Haigh (2009, 7), “prepositions are words used with a noun or pronoun, which show place, position, time or method”, and we can add that prepositions are also used with adjectives and verbs. The main challenge for the non-native speaker is remembering which preposition to use in this case and also it represents a current challenge during the Romanian-English activity of translation. A first example is given by the usage of the adverb – *potrivit* – (348 occurrences), whose correspondent in English is a phrase, consisting of noun + prepositions:

Romanian	English
„ Potrivit art. 416 alin. 1 C.proc.civ., orice cerere de chemare în judecată...” Source: STM_SCSep2018_Aug2021 (G) Appendix 1	In accordance with... (<i>in Romanian the word is an adverb and it is translated into English as a phrase of accordance, adding the preposition with</i>)

A second example is the Romanian preposition – *în* – used in a particular grammatical construction – *în acest scop* -:

Romanian	English
„ În acest scop , se determină mai întâi cota-parte ce revine fiecărui soț, pe baza contribuției sale ...” Source: DIV_SCSep2018_Aug2021 (G) Appendix 1	To this end... (<i>in Romanian the preposition used is – <i>în</i> -, while in English, -to-</i>)

A third example extracted is – *în afara* – (4 occurrences):

Romanian	English
„sub sancțiunea decăderii din dreptul de a mai propune probe și de a mai invoca excepții, în afara celor de ordine publică...” Source: SB_SCSep2018_Aug2021 (A) Appendix 1	...apart from... (<i>in Romanian the word is an adverb and it is translated into English as a phrase of apart, adding the preposition from</i>)

C. Pronouns

A pronoun is a part of speech used instead of a noun to indicate someone or something already mentioned or known in order to avoid repeated use of a noun (Haigh, 2009). In the legal field it is avoided most of the time, the main reason being the fear of ambiguity in cases where it is unclear to which noun the pronoun might refer (Haigh, 2009). Although, there are some common gender-neutral pronouns and adjectives that are used in order to avoid using sexist language: any, anybody, anyone, each, every, everybody, nobody, none, no one, some, somebody. Here are some examples extracted from our corpus of court orders:

-fiecare- (51 occurrences)

„Prezentul contract de tranzacție a fost redactat în 3 (trei) exemplare originale, câte unul pentru **fiecare**[each] parte contractantă ...”

-fiecare (dintre)- (51 occurrences)

„ Astfel că, potrivit acestei convenții **fiecare ...**[each of] dintre soții, au patrimoni separate, distincte și nu patrimoniu comun în timpul căsătoriei ...”

-nimeni- (5 occurrences)

„ De asemenea, **nimeni** [nobody] nu poate contesta starea civilă a copilului care are folosirea unei stări civile conforme cu certificatul său de naștere (Codul familiei, art. 47 alin. (2), art. 49,50,53)...”

-niciunul/ niciuna- (8 occurrences)

„ cât și în hotărârea de deschidere a procedurii adopției interne faptul că aceasta nu are stabilită filiația față de **niciunul** [none of the] dintre părinți ...”

D. Collective nouns

Another problem could be represented by the transfer from Romanian into English of specific collective nouns which can be used with either a singular verb or a plural verb. Haigh (2009) recommends using the singular form of the verb when referring to collective nouns. The commonest collective nouns found in legal English are: board, committee, government, group, jury, majority, nation, parliament, party, staff, team, union, the Cabinet, the public.

E. Verbs and Phrasal verbs

The definition offered by Haigh (2009) regarding phrasal verbs indicates that phrasal verbs are phrases that consist of a verb used together with an adverb or a preposition. They are often used in legal English. Utilising them in a (legal) translation activity can cause problems, especially if we talk about a translation from Romanian into English, due to the verbs used that have also ordinary meanings. In such cases, the literal translation is not a valid solution and the translator should find the equivalent word(s) with equivalent meaning(s). Here are some examples extracted from our corpus:

We can observe that for the translation from Romanian to English legal language, the structure chosen is a phrasal verb (*to draw up*) that is obtained after applying one of the theoretical strategies exposed in Chapter II, the transposition, the word class

from Romanian being changed without changing meaning of the linguistic structure (*întocmire/ noun – drawn up/ participle*)

„A susținut că după încuviințarea adopției, la momentul la care s-a procedat **la întocmirea certificatului de naștere [when the birth certificate was drawn up]**”

The phrasal verb used is -to enter into- with the noun – marriage-

„**au încheiat căsătoria [entered into a marriage]** înregistrată în Actul de căsătorie nr. 3/2017 emis de Primăria Comunei Săvârșin”

The phrasal verb used, as a participle, is – to lay down -

„ Curtea a reținut că reglementarea **cuprinsă [laid down]** în art. 63 din Legea nr. 273/2004”

F. Sentence structure

Regarding the sentence structure, one main challenge is represented by the usage of linking words/ connectors and their equivalent in the target language of the given text. This represents a challenge due to the fact that in legal English the connectors from Romanian have their own correspondents, but we can also encounter situations where in English legal language common equivalents are preferred to Latin structures used in Romanian legal language (this strategy is specific to EU English language, the forms of *primo*, *secondo*, *tertio* being preferred to *în primul rând*, *în al doilea rând*, *în al treilea rând*). Here are some examples extracted from our corpus:

- în primul rând – (11 occurrences)

„**În primul rând [First]**, instanța observă că în speța dedusă acestei judecăți...”

- în al doilea rând – (4 occurrences)

„ **În al doilea rând [Second]** se reține că instanța a fost legal sesizată”

- în al treilea rând -

„ **În al treilea rând [Third]**, chiar dacă pârâta nu a avut venituri egale”

- în plus – (8 occurrences)

„ **În plus [Further/ Furthermore]**, instanța observă că revizuentul a pus la dispoziția instanța de apel în judecarea căii de atac”

G. Terminology

A main challenge of translation process is the transfer of the terminology from the source language to the target language. As we mentioned, these terminological problems can be classified according to the general or specialized theoretical classification proposed by scholars (See Chapter II). In this part, the terminology was analysed under the theoretical classification proposed by Nord (1991) – being considered a linguistic problem -, but also the classification proposed by Haigh (2009) – being considered a basic standard of legal writing.

Here are some examples of specialized terms and phrases extracted from our corpus. Even if the terms are chosen at random, the frequency of their use in all the sections of our corpus can be considered a filter. For the following terms, we offer a possible transfer from Romanian into English in a sample form which includes details about the source text, the possible equivalent chosen and possible strategies or sources for looking for those strategies in specific lexical and legal context selected, namely EU English and EU legal background.

A term used frequently in the court orders of our corpus is – *cheltuieli de judecată* -. We developed an analysis based on possible solutions for the transfer RO-EN [Romanian-English] and on possible strategies applied, such as consulting parallel corpora, dictionaries and official sources. The possible equivalent chosen – *costs* - is used in all English language target contexts.

- <i>cheltuieli de judecată</i> -
<p>Source text: <i>Texts from all ten categories of texts of our corpus</i></p> <p>Possible solution: costs</p> <p>Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:</p> <p>CIVIL PROCEDURE AND CIVIL LAW GLOSSARY</p> <p>US Case-law</p> <p>EU Court of Justice Case-law</p> <p>UK Case-law</p> <p>EU Terminology Database(s)</p>

A phrase used frequently in the court orders of our corpus is – *a formula un apel* -. We developed an analysis based on possible solutions for the transfer RO-EN [Romanian-English] and on possible strategies applied, such as consulting parallel corpora, dictionaries and glossaries. The possible

equivalent chosen –*to lodge an appeal*- is used in European English and British English.

- a formula apel -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution: European/ British English: to lodge an appeal

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

EU Terminology Database(s)

Longman Dictionary

Another phrase used frequently in the court orders in order to introduce the decision is –*Pentru aceste motive* -. We developed an analysis based on possible solutions for the transfer RO-EN [Romanian-English] and on possible strategies applied, such as consulting parallel corpora, dictionaries and official sources. The possible equivalent chosen – *On those grounds* - is used in European English.

- Pentru aceste motive -

Source text: '**PENTRU ACESTE MOTIVE, ÎN NUMELE LEGII, HOTĂRĂȘTE'**

Texts from all ten categories of texts of our corpus

Possible solution:

European English: On those grounds

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

EU Terminology Database(s)

Another phrase used frequently in the court orders of our corpus is – *obiectul prezentei cauze*-. We developed an analysis based on possible solutions for the transfer RO-EN [Romanian-English] and on possible strategies applied, such as consulting dictionaries, glossaries, official databases and official sources. The possible equivalent chosen –*the subject matter of this case*- is used in all English language target contexts.

- obiectul prezentei cauze -

Source text: *Texts from all ten categories of texts of our corpus (Appendix 1)*

Possible solution:

European English: the subject matter of this case

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

Two verbs used frequently in the court orders of our corpus are *-(a) dispune* – and *-a înștiința-*. We analysed the transfer RO-EN [Romanian-English] based on possible solutions and on possible strategies, such as consulting parallel corpora, dictionaries and official sources. The possible equivalents chosen – *(to) adopt* – and – *(to) advise* - are used in all English language target contexts.

- (a) dispune -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: (to) adopt

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Other sources:

consulting parallel corpora, dictionaries/ glossaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- (a) înștiința -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: (to) advise

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Other sources:

consulting parallel corpora, dictionaries/ glossaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

Other terms and phrases identified and analysed in the European context, under the conditions of the one of the principles of translation, namely the equivalence, and of the possible effective strategies, were: *temei juridic, capăt de cerere, din oficiu, executare silită, părți litigante*.

- <i>temei juridic</i> -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: legal base/ legal basis

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries/ glossaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- capăt de cerere -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: head of claim/ of conclusion

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

EU Terminology Database(s)

- din oficiu -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution: **European English:** on its own initiative/ of its own motion/ automatically

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- executare silită -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: enforcement

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- părți litigante -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: litigants

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

For our linguistic investigation, we selected other verbs, phrasal verbs or different constructions which implies the usage of modal verbs, such as: (a) *contesta*, (a) *hotărî*, (a) *amâna*

-a contesta -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: (to) lodge an objection

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- (Curtea) hotărăște -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: (The Court) hereby declares/ further declares

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- (a) amâna-

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: (to) defer

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

We also extracted for our linguistic practical approach the following terms and phrases: *grefier, intimat, pârât, recurs, reclamant, sesizare a Curții*.

- grefier -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: Registrar

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- intimat/ă -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: respondent

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- pârât/ă -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: defendant

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- reclamant -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: *plaintiff*

definition: a person who brings a civil action in a court of law (Collins English Glossary, HarperCollins Publishers, 1995)

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- recurs -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: *appeal*

Primary source: INSTITUTUL EUROPEAN DIN ROMÂNIA/ Direcția Coordonare Traduceri (2019)

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- sesizare a Curții/ a instanței -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: *initiation of proceedings before the Court*

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

Our list is complemented by other terms and phrases, as follows: *soluționare cauză, cale de atac, pronunțarea hotărârii, litigiu, cerere de chemare în judecată, litispendență*.

- soluționare cauză -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: disposal of the case

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- cale de atac -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: right of action/ legal remedy

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- pronunțarea hotărârii -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: delivery of the judgment

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- litigiu -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: litigation

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- cerere de chemare în judecată -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

American English: petition to sue

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- litispendență -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: litispence

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

We continue our analysis, offering a possible transfer from Romanian into English, considering two main aspects: EU English and EU legal background.

- a depune o întâmpinare -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: (to) lodge a defence

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- material probator -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: evidence

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- cauză civilă -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: civil trial

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- (să fie) **obligat solidar** -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: shall be held jointly and severally liable

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- (a avea) **competență de soluționare**-

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: shall have jurisdiction to hear

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- **taxă judiciară de timbru** -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: stamp duty

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- a rămâne în pronunțare-

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: to reserve judgement

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- instanța de fond-

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: the Court of First Instance

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- martor-

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: witness

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- cerere reconvențională -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: counter claim

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- împuternicire avocațială -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: power of attorney

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- a cita -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: to summon

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- <i>ședință publică</i> -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: open court

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- <i>petent</i> -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: petitioner

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- <i>prezumție</i> -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: presumption

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- cu titlu preliminar -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: on a preliminary basis

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- pe cale de consecință -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: in consequence/ as a consequence

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- părți semnatare -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: contracting parties

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- probațiune -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: probation

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- mandatar -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: authorize representative

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- exequator -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: exequator

Possible Strategies/ Sources:

consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- sub sancțiunea nulității -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution:

European English: shall be declared null and void.

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- contract de donație -

Source text: *Texts from some categories of texts of our corpus*

Possible solution:

European English: donation agreement

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

- termen de judecată -

Source text: *Texts from all ten categories of texts of our corpus*

Possible solution: European English: day in court

Possible Strategies/ Sources: consulting parallel corpora, dictionaries, official sources:

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY

US Case-law

EU Court of Justice Case-law

UK Case-law

Canada Case-law

EU Terminology Database(s)

3.2 Converting the Theoretical Approach towards a Practical Approach. A Reclassification of Specific Problems and Strategies via a Legal Virtual Workshop⁵⁸

As we saw in Chapter II, investigating the translatability of legal texts starts from the correct identification and understanding of legal systems and, implicitly comparative law, continuing with specific text typologies and translation principles, and arriving at particular problems, strategies and competences. All these elements, which influence the acceptance or refusal of a translation task, can be subsequently transposed into a list of instructions a translator needs in order to determine effective strategies consisting of decisions to be taken and their applicability during the translation activity, so that in the end the implementation and validation of these strategies can demonstrate the competences achieved and the ability to manage a particular translation project.

To determine these effective strategies, by transferring the theoretical approaches into practical ones and by demonstrating their validity in practice, between January and February 2021, in collaboration with the Applied Modern Languages Department in Cluj-Napoca, two legal translation workshops were organized via Zoom. The topic of the workshops was the investigation and validation of the translatability of legal texts from Romanian into English through the establishment of some contextual aspects (intratextual and extratextual elements) and the identification and reclassification of specific problems and strategies for particular situations (legal texts related to individuals or familial relationships) in order to reach a common conclusion about a legal translation activity. During the workshop, which reunited 40 participants (BA, MA, PhD students, professors, translators, specialists in law and a notary public) we explored the challenges encountered by students in Translation Studies, but also by translators (specialist, legal, authorised), in

⁵⁸ Some notions of the current subchapter were initially presented at the International conference Digital Culture, Communication And Translation - organized by the Department of Communication and Foreign Languages Timișoara within West University of Timișoara, March 26-27/ 2021, and subsequently published in Professional Communication and Translation Studies, 14 / 2021 (Andreea-Maria SĂRMAȘIU. Challenges of Legal Translation: Specific Problems and Strategies Identified Through a Virtual Workshop, pp.158-167), https://sc.upt.ro/attachments/article/586/03_03_trad_en_Sarmasiu_CS_rev_02.pdf, the current subchapter representing the continuation and the adaptation of the original paper.

translating legal texts relating to Civil Law (Family Law) as a direct result of investigating specific problems and strategies.

Translation process. Pre-translation phase.

Client–Translator relationship. Guidelines

Analysing a translation project means establishing from the very beginning the practical mechanism of dealing with this challenge. The mechanism used is the division of the translation process into three main phases: pre-translation, translation and post-translation phase. Each phase implies decisions to be taken under the specificity of the translation task. Starting from this point of view and placing the notion of decision (taken before engaging in a translation task) under the term of strategy, the first challenge of the pre-translation phase resides in establishing a few coordinates on the client-translator relationship through some guidelines. Therefore, the first multiple-choice question through a live poll was about the mechanisms which lead to strategies expressed via decisions, more exactly: *what elements influence the pre-translation phase, namely the acceptance or refusal of a translation project?*

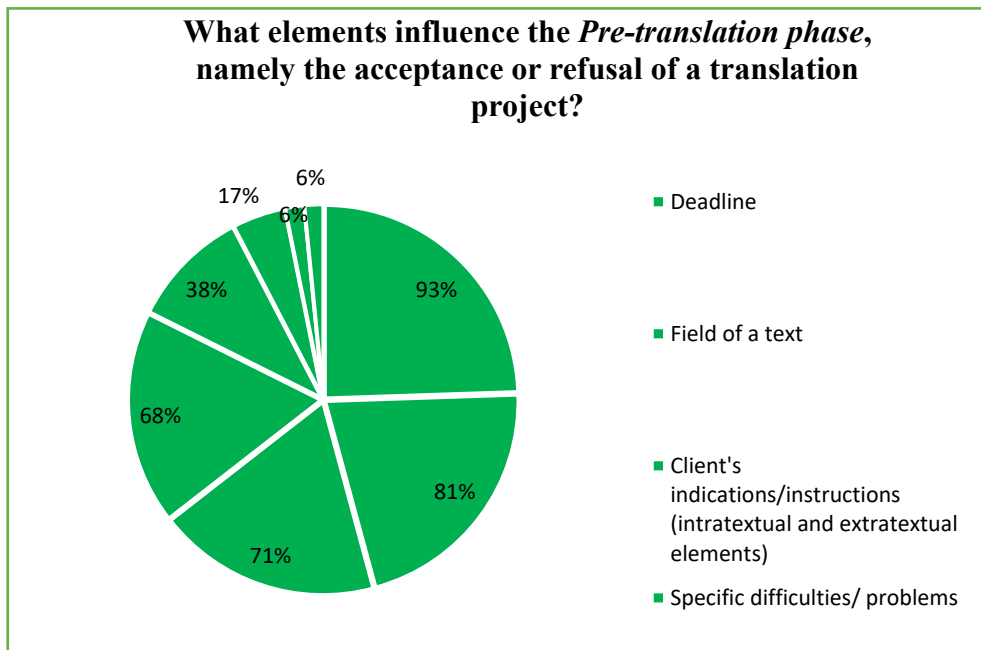


Figure 10 - Visual representation of Pre-translation phase guidelines/ instructions⁵⁹

⁵⁹ Copyright: Visual representation created by the author

As can be seen in Figure 10, the answers were similar, but also different, the first place belonging to 93% of respondents who chose the deadline as the element which influences the acceptance or the refusal of a (legal) translation project. 81% of subjects of this experiment opted for the field of a text (in this particular context, the legal field and all elements associated with it, legal-cultural-linguistic knowledge and competences, influence the translator's decision); 71% for client's instructions connected to textual and extratextual elements and in this case, of translation activity, and therefore a legal translation activity, Christiane Nord (1991, 39-130) points out two categories, extratextual factors (sender's intention, recipient, medium or channel, place and time of communication, motive, text function) and intratextual factors (content, text composition, non-verbal elements, lexis, sentence structure); and 68% for specific problems and/ or difficulties. On the last three positions, the respondents placed text types (38%) perceived as an important element during the investigation of a translation/ legal translation, by scholars as Reiss (1984), Neubert (1992), Bhatia (1997) or Šarčević (1997); translation strategies (17%) viewed as the applicable part of the decisions taken in the pre-translation phase (the methods-techniques-procedures applied to solve the problems identified during the translation phase); and price or client's attitude (6%).

As we can observe, the respondents chose answers that can be found in the theoretical mechanisms we mentioned before (*See Chapter II*), such as comparative law and text typologies (field of a text, text types) or as principles of translation and problems and strategies (intratextual and extratextual elements which can be seen as a conventional and functional challenge, but also as a difficulty/ problem; translation strategies). As a first conclusion, the acceptance or the refusal of a (legal) translation project implies decision(s) to be taken, so a strategy to be adopted, before the translation phase.

Among these pre-translation decisions or strategies, the respondents chose client's instructions, and a second question concerned the conditions transposed into instructions a translator expects from a potential client, more exactly: *what instructions does a translator expect from a potential client in order to be able to make the transition from the Pre-translation phase to the Translation phase?* This time, the respondents emphasized (Figure 11) the need to clearly establishing the target language (our research proposes translations from Romanian into English, therefore further information about the English language, British-American Continental English, was necessary to be included in the list of instructions) and the target culture; translation purpose; text format; some guidelines for terminological requirements and additional procedures (if necessary); deadlines and prices, being mentioned again two

elements from the first question regarding the acceptance or the refusal of a translation task. If we take a closer look at answers like target language, target culture, translation purpose, specific terminology, we will be able to see a replication of the two main translation strategies proposed by scholars as Vinay and Darbelnet (1958), Nida (1964), Newmark (1988), Baker (1992), Chesterman (1997), Venuti (1998) and analysed in Chapter II.

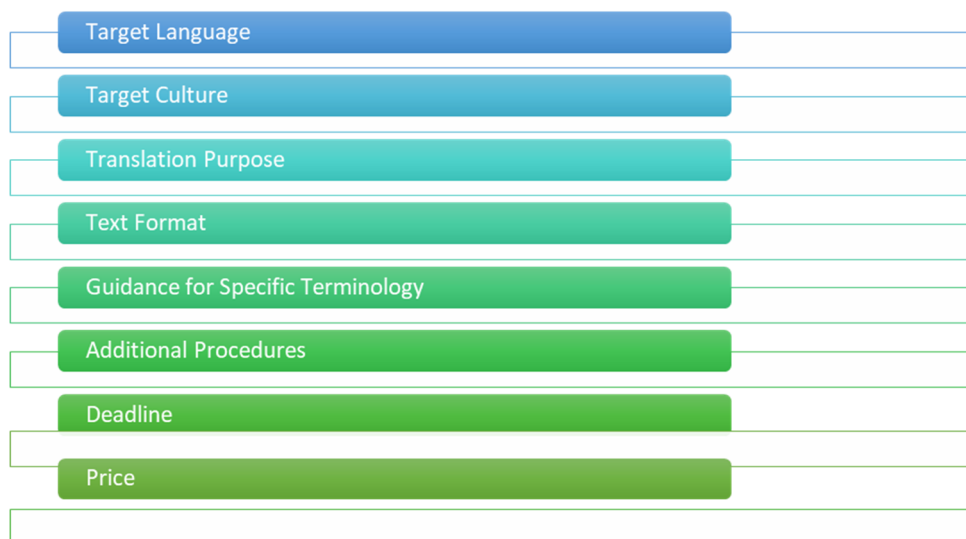


Figure 11 - Visual representation of conditions transposed into instructions a translator expects from a potential client

Translation phase (I). Equivalence. Conventionality. Functionality

The transition from the pre-translation phase to the translation phase comes with a second challenge: to find a balance regarding the applicability of another mechanism, the three main principles which represent the 'headstone' for determining the translation strategies: *equivalence* – *conventionality* – *functionality*. As we saw in Chapter II, in Translation studies literature, equivalence is associated with rendering terminological elements from the source language through other terminological elements in the target language that correspond to the same reality; conventionality involves rendering normative or even conservative elements, specific to a culture (Dejica, 2013) or a communicative situation; and functionality corresponding to the connection of the target text's purpose and the fidelity to the source text. Referring to these three principles, the third question posed was: *what percentage of applicability*

would you give to each principle? Figure 12 presents three results obtained after the answers given: 40% of respondents opted for equivalence; 37% for functionality and 23% for conventionality. Analysing these answers in detail, even if the translator is a novice (current students or graduates) or a professional, particular attention is paid to terminology and its challenges, the desire to render as contextually as possible the terminology of the source text being present at the moment of decision. The communicative purpose, the connection between the messages transferred from the source text to the target one occupies a second place when the translator faces the decision of using the appropriate strategies for his or her work while respecting the norms, standards, tradition through specific formats and requirements takes the last place. Once again, the same decisions applied through strategies implemented for short or long terms to overcome the challenges of translating (legal) texts.

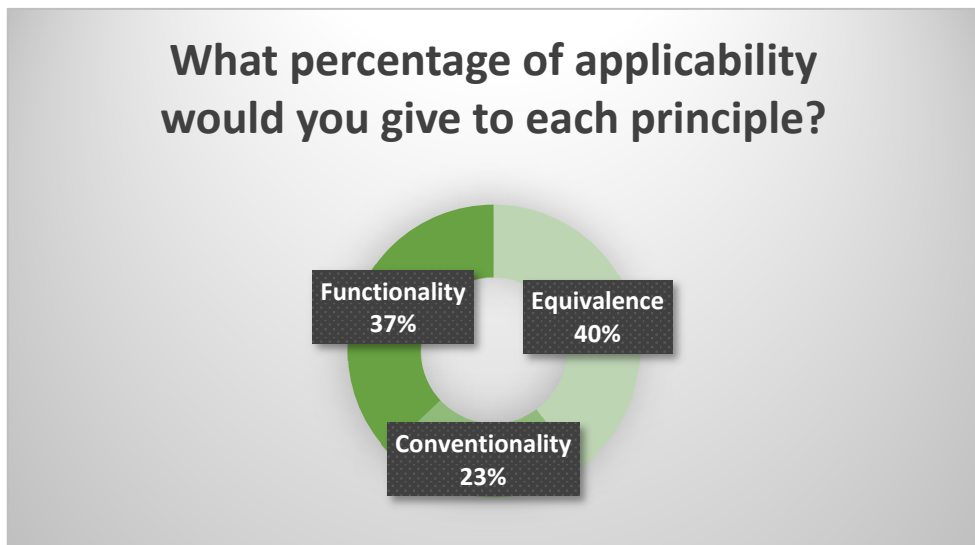


Figure 12 - Visual representation of the applicability of principles of translation⁶⁰

Translation phase (II). Specific problems and strategies

Once all those pre-translation decisions had been taken, a new challenge arose from the need to identify the translation strategies which are necessary in the case of the legal texts from Civil Law (Family Law), and in order to identify

⁶⁰ Copyright: Visual representation created by the author

them correctly, another mechanism was used, the revision of specific problems. This exercise was done in mixed teams (students-professors-translators) and was validated by a specialist in the legal field (notary public/ legal translator).

Starting from Nord's classification of translation difficulties (pragmatic, translator dependent, text-specific and technical) and problems (pragmatic, linguistic, cultural and text-specific translation problems), the teams' proposals supposed a first nominal categorization of these problems. As can be seen in Table 1, among the translation problems are listed: two different legal systems (Romanian versus English, Civil versus Common Law); a different target language, English (e.g., national versus international English, different English dialects), thus terminological and cultural problems; the impossibility to render equivalent meanings; morphological and syntactic problems (e.g., verb forms, sentence structure); synonymy; text formats. All these problems were validated by the specialist, agreeing to teams' proposals and reconfirming the presence of these problems in translating legal texts, but also adding new possible problems (e.g., legality elements, audience acceptability, pragmatic problems as titles, acronyms or denominations, macro-cultural factors).

Table 5 - Visual representation of teams' proposals regarding legal translation problems⁶¹

TEAMS	SPECIALIST (Notary Public/ Legal Translator)
<i>Comparative law (different legal systems)</i>	<i>Comparative law (legality elements)</i>
<i>Verb form (impersonal versus personal forms)</i>	<i>Target culture (audience acceptability)</i>
<i>Equivalence (Romanian words without English equivalent, e.g., names of institutions)</i>	<i>Equivalence (titles, acronyms, denominations)</i>
<i>Target language (UK or US English?)</i>	<i>Target language (national or international English?)</i>
<i>Legal English (synonyms)</i>	<i>Legal English (specific terminology)</i>
<i>Text format (document format)</i>	<i>Text format (document categories)</i>
<i>Syntax (phrase structure)</i>	<i>Macro-cultural factors</i>

In a second phase, taking into account Nord's classification, a reconsideration of the categories mentioned was made. All the possible problems identified were reclassified as fully-pragmatic, fully-linguistic, fully-cultural, fully-text-specific (according to the specific context or the purpose of

⁶¹ Copyright: Visual representation created by the author

the translation, the extratextual elements/ factors abovementioned). The reclassification (Figure 13) includes Romanian words without English equivalent, e.g., *names of institutions, titles, acronyms, denominations* as fully-pragmatic problems; legality elements, knowledge about different legal systems, acceptability or macro-cultural factors as fully-cultural problems; verb forms, target language specificities, legal English (synonyms, specific terminology), phrase structure as fully-linguistic problems; and text format as fully-text-specific problems.

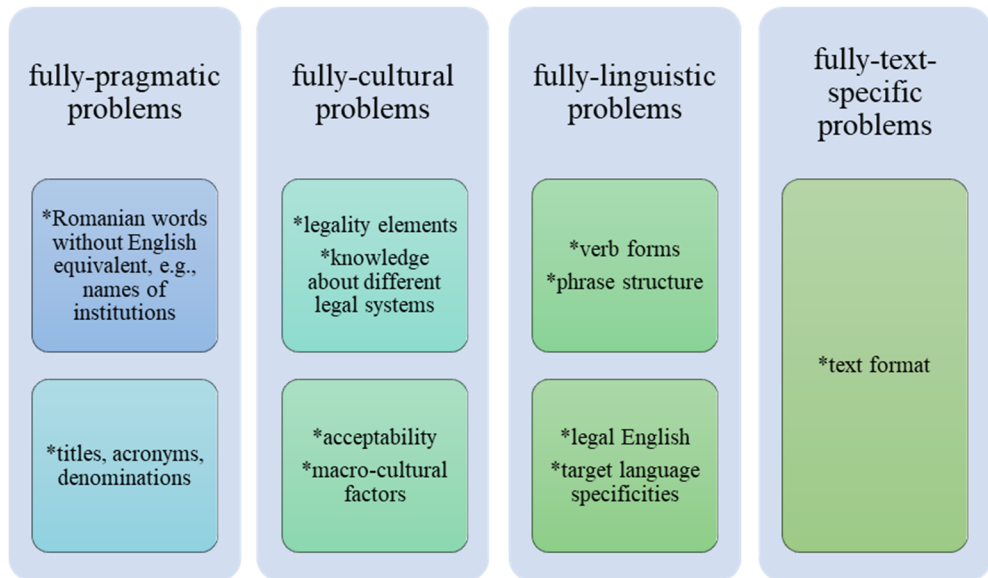


Figure 13 - Visual representation of the reclassification of problems according to the theoretical model proposed by Nord (1991) and the validation of the teams during the legal translation workshop (2021)⁶²

In view of the fact that these specific problems can overlap, a second reclassification (Figure 14) was proposed, the new categories representing a combination between pragmatic and cultural, cultural and linguistic, cultural and text-specific or pragmatic and linguistic aspects. The new reclassification includes different legal systems (adaptation according to the translation purpose and function) as pragmatic-cultural due to the updated legislation at the national and international level and target language (different English dialects) as cultural-linguistic due to the main changes and effects at a terminological level nowadays (e.g. the current discussions at EU level about

⁶² Copyright: Visual representation created by the author

gender forms usage that can be transferred to the translation field regarding the translation of terms such as wife/ husband or spouses in notarial or normative documents), but also due to the translator's preference, client's requirements or specific contexts to render cultural elements instead of terminological ones (e.g. translating articles about Civil Law versus translating authentic documents). The text format can represent a cultural- specific problem according to client's or institutionally usage and the titles, acronyms, denominations a pragmatic-linguistic problem.

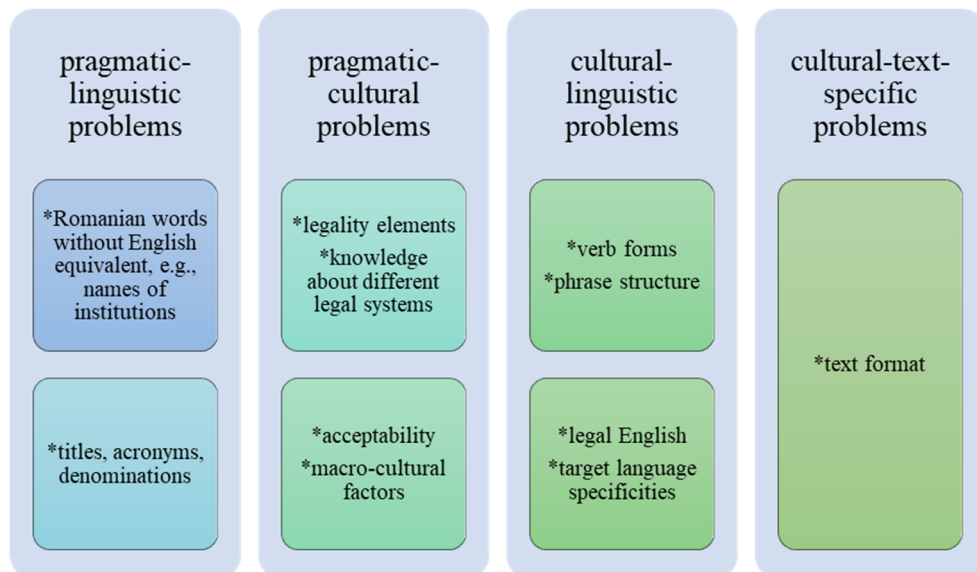


Figure 14 - Visual representation of the second reclassification of problems according to the theoretical model proposed by Nord (1991) and the validation of the teams during the legal translation workshop (2021)⁶³

At the end of the discussions about specific translation problems in the legal field, all the participants recreated a list of specific strategies (Figure 15) to solve the problems identified: consulting a specialist; consulting parallel corpora and dictionaries (good documentation and research); consulting official sources (different national and international official sources as European Institute of Romania, European Court of Human Rights, European Court of Justice, Ministry of Justice, European Commission); using a third language support (e.g. French language because there are many similarities between Romanian and French, Swiss, Canadian Civil code or other legal documents); extra-revision (with the

⁶³ Copyright: Visual representation created by the author

extra-option for the novices to pay for a professional revision performed by someone with more experience in this field).

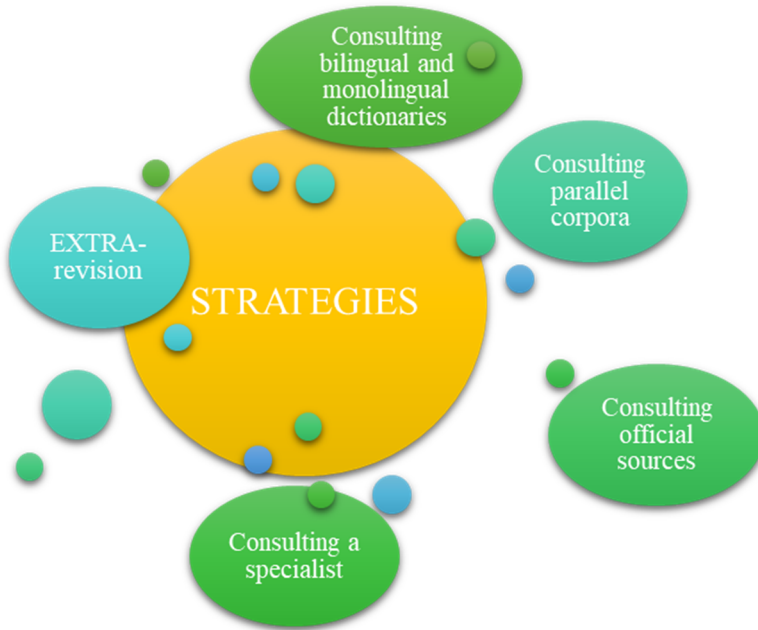


Figure 15 - Visual representation of the reclassification of translation strategies according to the validation of the teams during the legal translation workshop (2021)⁶⁴

Post-translation phase. Translator and translation competence

Once the first two phases of the translation activity were assimilated, the pre-translation and the translation phases, a final challenge remains, specific to the last phase, the post-translation phase, a challenge based on the decision or strategy for the usage and development of the mechanism concerning the translator and translation competence.

As was explained, the translation activity is about decisions or strategies. The translator uses all the instructions about extratextual and intratextual elements, legal-linguistic-cultural knowledge to overcome difficulties and solve problems in order to form and develop his or her aptitudes. The last multiple-choice question addressed via a live poll was about competences: *which of the competences do you think are used the most during a (legal) translation*

⁶⁴ **Copyright:** Visual representation created by the author

process? 80% of subjects of this experiment chose the research competence (information acquisition through specific documentary, terminological and phraseological research, and specific tools and search engines as mentioned by the EMT expert group). Moreover, very close as preferences were chosen the thematic competence (thematic knowledge in legal translation field) by 47%, the transcultural competence (sociolinguistic and textual knowledge) by 45% and the technical competence (mastering the specific tools) by 40%. The last competence chosen was the communicative one by 13% of the respondents.

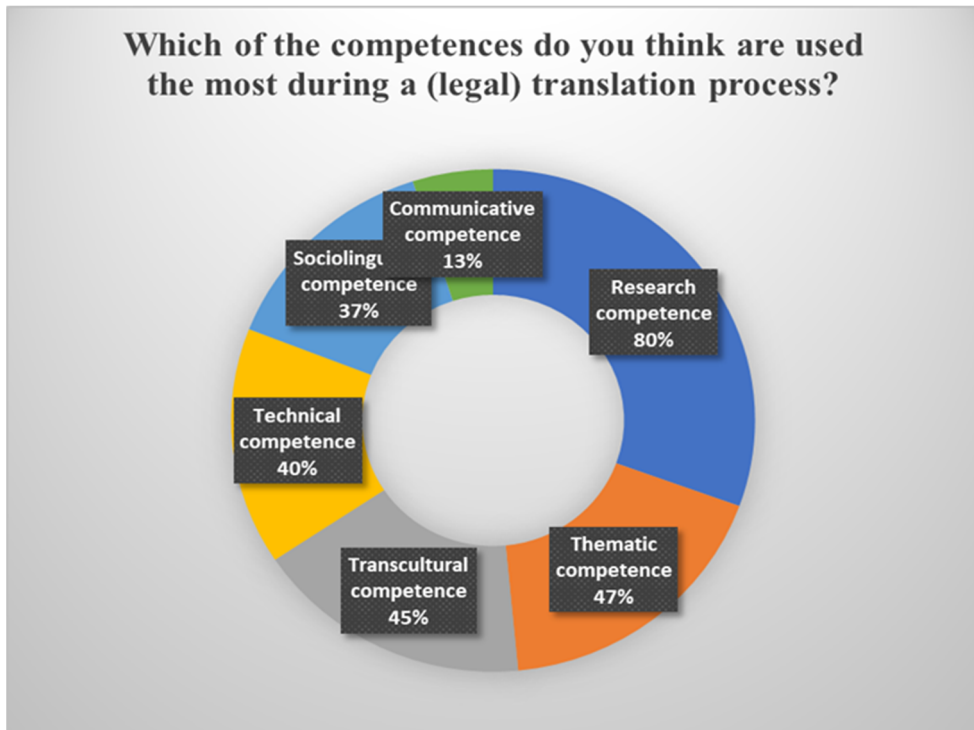


Figure 16 - Competences⁶⁵

After the exposure of all these preferences, a new question arose: *does using and developing a competence or more competences represent a strategy? A pre-translation, translation or a post-translation decision?* The answer certainly reveals that using and developing translation competences represent a strategy that can lead to pre-translation decisions (research, thematic or transcultural competence), translation decisions (technical competence) or post-translation competence (communicative competence), depending on the translator's

⁶⁵ Copyright: Visual representation created by the author

ability to overcome difficulties, to solve problems and to master all the competences needed.

Through this legal translation workshop, we were able to demonstrate the reciprocity that exists between theory and practice, academics and professionals, Translation Studies and other disciplines within interdisciplinarity. Moreover, this workshop represented the basis of a practical approach necessary in order to analyse and demonstrate the translatability of legal texts.

Maintaining and developing competences. Longitudinal approaches for Continuous Professional Development

As we could observe, this translatability can be discovered through a theoretical approach, based on the main parts of a legal translation process, but also through a practical approach, based on textual and extratextual analysis. For a translator, these two theoretical and practical approaches represent the connection between professional practice and discipline, resulting a combined approach based on a continuous professional development (CPD): the lifelong learning approach.

In this context, a PhD questionnaire survey (Appendix 2) was designed, the aim being to emphasize the need and the desire of translators to improve their skills through combined theoretical and practical approaches. The main question was: *How do overcome we as translators these challenges when we need to choose the theoretical (academic) conventions and or the continuous professional development (CPD) approach to select and implement the suitable strategies?* and the respondents chose what they prefer in terms of continuous professional development approach, also connecting their choices to the traditional approach. For example, 26% chose conferences or workshops organized by other professional bodies, in the area of specialisation and 19% went for online tutorials, webinars and e-learning (two different methods used to implement the criterion regarding the suitable strategies for a legal translation process); while 15% selected reading specialist publications, learned journals and other literature in the specialist subject and 14% listening to the radio, podcasts, watching TV/ films in the source language (the connection to the traditional approach, to the linguistic and legal conventions in order to implement the appropriate criteria regarding textual and extratextual elements). Among other options, we can mention in-house training for translators (9%), mentoring (6%) or writing articles o website reviews (2%).

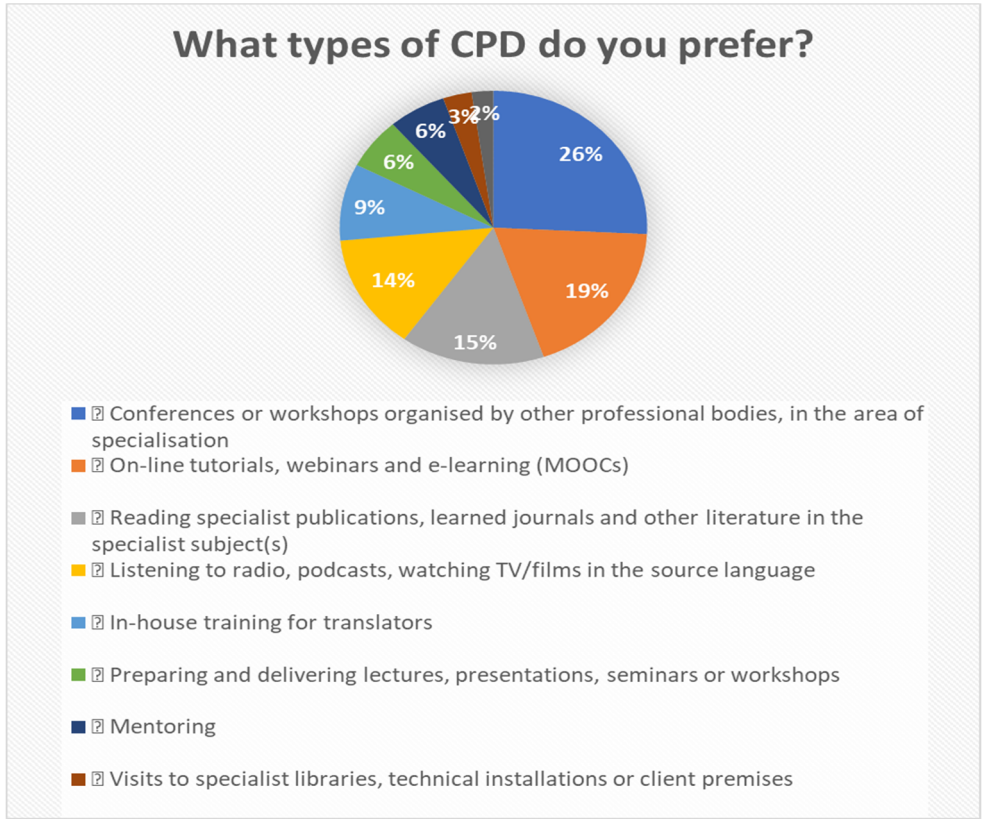


Figure 17 - Continuous professional development (CPD) for (legal) translators⁶⁶



Figure 18 - Time spent for CPD activities⁶⁷

⁶⁶ Copyright: Visual representation created by the author

⁶⁷ Copyright: Visual representation created by the author

The respondents mentioned, among other offered answers about the time spent for CPD activities: 11 opted for one week, 8 for two or three weeks, 8 for one month, 7 for four or five months and 6 for more than six months.

Another question was about the main benefits experienced in relation with CPD and the main challenges experienced in connection with CPD process. The main benefits described were: interesting collaborations/ projects, talking to colleagues/ professionals, receiving feed-back, first-hand experience, efficiency, motivation, networking, keep up with the constant flow of modern technologies updates in translation (CAT tools), new skills, improvement.



Figure 19 - Main benefits experienced in relation to CPD⁶⁸

⁶⁸ Copyright: Visual representation created by the author

The main challenges expressed as being experienced in relation to CPD were: time management, efficiency, CAT tools, access to different resources, costs and motivation.

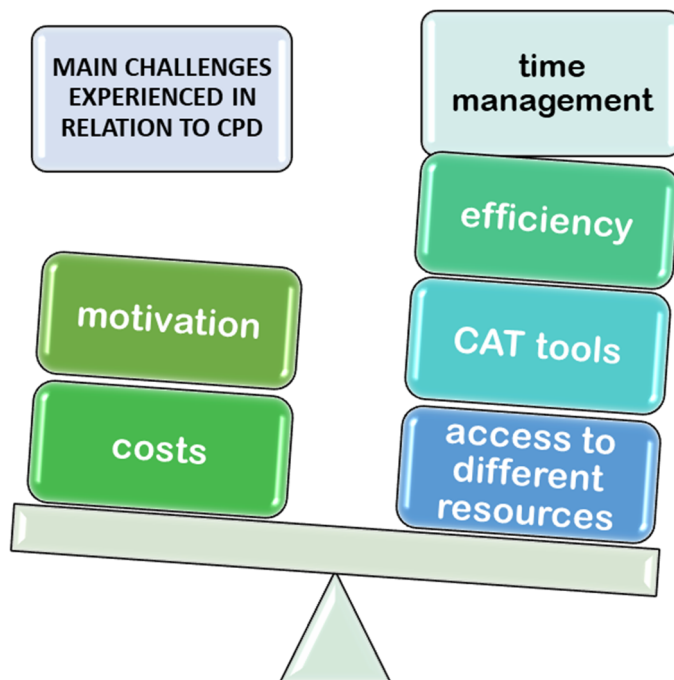


Figure 20 - Main challenges experienced in relation to CPD⁶⁹

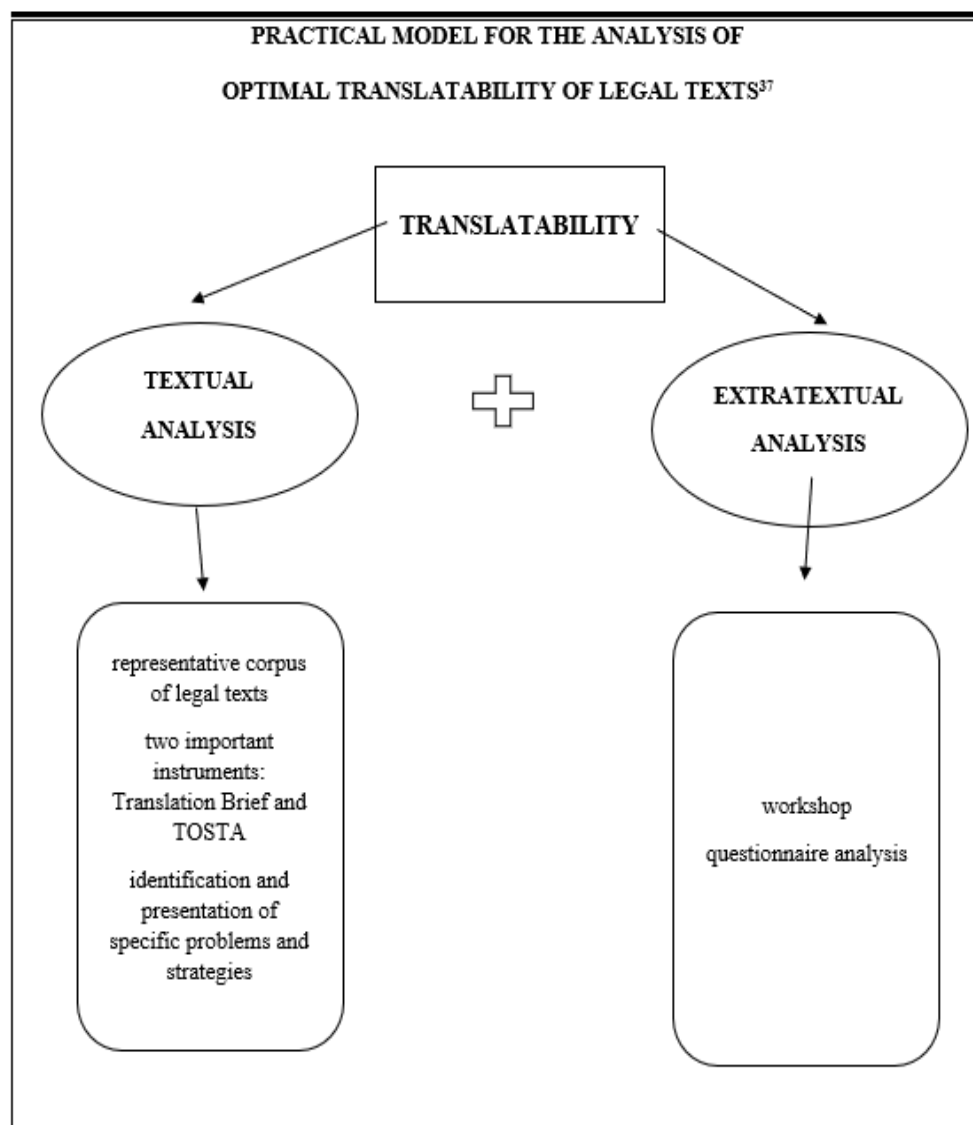
⁶⁹ **Copyright:** Visual representation created by the author

Conclusion and Practical Implications

At the end of our theoretical part (Chapter 1 and Chapter 2), we created a theoretical model for the analysis of the translatability of legal texts. Aiming to replicate our theoretical approach into a practical approach, we develop a practical model for the analysis of the translatability of legal texts in order to demonstrate the conversion of theoretical notions into specific and effective transfer strategies from a source language to a target language during a legal translation process. Under these practical circumstances, the translatability of legal texts can be analysed through a textual analysis and an extratextual analysis.

The textual analysis presupposes the presence of a representative corpus of legal texts. This corpus is analysed by applying two important instruments: guidelines or instructions regarding the translation activity (Translation Brief) and a particular source-text analysis (T.O.S.T.A). These two instruments are the tools used for the identification and presentation of specific problems and strategies in a general or particular legal context.

The extratextual analysis is represented by a workshop and a questionnaire analysis, both demonstrating that language-oriented and culture-oriented research are valuable in achieving the optimal translatability of legal texts.



Conclusion

The conclusions of the research are closely related to the results obtained from the theoretical analysis and demonstration. Firstly, at the theoretical level, it has been possible to establish a model for the analysis and achievement of the translatability of legal texts by establishing that legal translation is a content-dependent activity described through main components, such as comparative law particularities, text typologies, principles of translation, translation problems and their effective strategies, translation competence and other competences necessary during this process.

Secondly, at the practical level, we obtained three outcomes. Firstly, we demonstrated the reciprocity of the information provided from the theoretical to the practical approach through the textual analysis carried out, obtaining an inventory of problems and strategies that apply to particular categories of legal text (court orders) from Civil Law/ Family Law. Secondly, we continued this demonstration and validated it through the legal translation workshop organized, adding to this validation, a reclassification of specific problems and strategies, resulting from our discussions and exercises. Thirdly, we concluded this demonstration by underlining the importance of having a continuous learning component in this plan of legal translation underpinned by the answers of respondents to the questionnaire.

As this research was an interdisciplinary research, we can strongly affirm that it made contributions to several fields such as: *Translation Studies* and *Legal Translation Studies* with regards to legal translation aspects from the point of view of theoretical approaches used as filters in order to identify the possible conditions (problems) of a legal text, to determine the effective strategies to overcome these different types of errors, difficulties, problems and challenges, and to develop specific competences in a particular field of study; *Academic and Professional practice*, as a framework related to teaching and/or learning legal translation.

Bibliography

Primary textual sources supporting the analyses

1. *Separația de bunuri*

- A. Sentința nr. 4457/2018 din 13-nov-2018, Judecătoria Drobeta Turnu Severin, separația de bunuri (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- B. Sentința nr. 5053/2018 din 20-aug-2018, Judecătoria București Sectorul 1, contestație la executare (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- C. Sentința nr. 505/2019 din 18-feb-2019, Judecătoria Drobeta Turnu Severin, separația de bunuri (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- D. Sentința nr. 58/2019 din 05-sept-2019, Judecătoria Orșova, separația de bunuri (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- E. Sentința nr. 224/2020 din 25-mar-2020, Judecătoria Corabia, separația de bunuri (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- F. Sentința nr. 1844/2020 din 09-iun-2020, Judecătoria Slatina, plângere împotriva încheierii de carte funciara (Art.52 alin.2 Legea nr.7/1996) (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- G. Sentința nr. 2154/2020 din 21-iul-2020, Judecătoria Suceava, alte cereri (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- H. Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022),
- I. Sentința nr. 396/2021 din 10-feb-2021, Judecătoria Câmpulung, separația de bunuri (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- J. Sentința nr. 16/2021 din 05-mai-2021, Curtea de Apel Craiova, strămutare (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

2. Lichidarea regimului matrimonial

- A. Sentința nr. 8344/2018 din 06-aug-2018, Judecătoria Constanța, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- B. Sentința nr. 1425/2018 din 08-oct-2018, Judecătoria Dorohoi, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- C. Sentința nr. 12733/2018 din 26-nov-2018, Judecătoria Constanța, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- D. Sentința nr. 355/2019 din 22-apr-2019, Judecătoria Darabani, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- E. Sentința nr. 894/2019 din 28-aug-2019, Judecătoria Târgu Neamț, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- F. Sentința nr. 5186/2019 din 12-sept-2019, Judecătoria Pitești, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- G. Sentința nr. 10116/2020 din 12-nov-2020, Judecătoria Constanta, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- H. Sentința nr. 3121/2020 din 21-dec-2020, Judecătoria Câmpulung, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- I. Sentința nr. 193/2021 din 10-mar-2021, Judecătoria Reghin, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- J. Sentința nr. 317/2021 din 24-iun-2021, Judecătoria Chișineu Cris, partaj bunuri comune/lichidarea regimului matrimonial (Minori și familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

3. Divorț

- A. Sentința nr. 444/2018 din 14-aug-2018, Judecătoria Oravița, consfințire acord mediere (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- B. Sentința nr. 1567/2018 din 20-sept-2018, Tribunalul București, exequator (recunoasterea in scrisurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

- C. Sentința nr. 32/2018 din 16-oct-2018, Tribunalul Mehedinti, exequator (recunoasterea inscrisurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- D. Sentința nr. 413/2019 din 18-mar-2019, Tribunalul Iasi, exequator (recunoasterea inscrisurilor si hotararilor straine) (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- E. Sentința civilă nr. 2925/2019 din 19-nov-2019, Tribunalul Constanta, exequator (recunoasterea inscrisurilor si hotararilor straine) (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- F. Sentința nr. 341/2020 din 09-iun-2020, Tribunalul București, exequator (recunoașterea înscrisurilor și hotărârilor străine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- G. Sentința nr. 3330/2020 din 22-iul-2020, Judecătoria Cluj Napoca, pretenții ca urmare a divorțului (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- H. Sentința nr. 6238/2020 din 17-nov-2020, Judecătoria Pitești, consfințire acord mediere (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- I. Sentința civilă nr. 137/2021 din 10-feb-2021, Judecătoria Caransebes, pretentii ca urmare a divortului (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- J. Sentința civilă nr. 17/2021 din 31-aug-2021, Tribunalul Mehedinti, exequator (recunoasterea inscrisurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

4. Tutela

- A. Sentința nr. 7092/2018 din 13-dec-2018, Judecătoria Buftea, curatela (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- B. Sentința nr. 1498/2018 din 17-dec-2018, Judecătoria Patarlagele, tutela (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- C. Sentința nr. 1022/2019 din 04-feb-2019, Judecătoria Constanta, curatela (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- D. Sentința nr. 842/2019 din 18-iun-2019, Judecătoria Sighisoara, tutela (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- E. Sentința nr. 15045/2019 din 30-dec-2019, Judecătoria Iasi, tutela (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- F. Sentința nr. 1329/2020 din 06-mar-2020, Judecătoria Brasov, tutela (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

- G. Sentința nr. 4065/2020 din 03-aug-2020, Judecătoria Focsani, curatela (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- H. Sentința nr. 178/2021 din 16-feb-2021, Judecătoria Harlau, tutela (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- I. Sentința nr. 711/2021 din 17-iun-2021, Judecătoria Carei, tutela (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- J. Sentința nr. 7936/2021 din 15-iul-2021, Judecătoria Bucuresti Sectorul 3, curatela (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

5. *Stabilire maternitate*

- A. Sentința nr. 917/2019 din 18-feb-2019, Judecătoria Bacau, stabilire maternitate (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- B. Sentința nr. 678/2019 din 14-nov-2019, Judecătoria Segarcea, stabilire maternitate (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- C. Sentința nr. 7161/2019 din 27-nov-2019, Judecătoria Galati, stabilire maternitate (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- D. Sentința nr. 54/2020 din 30-ian-2020, Judecătoria Babadag, stabilire maternitate (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- E. Sentința nr. 3696/2020 din 29-sept-2020, Judecătoria Sibiu, stabilire maternitate (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- F. Sentința nr. 4446/2020 din 18-nov-2020, Judecătoria Arad, stabilire maternitate (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- G. Sentința nr. 175/2021 din 01-feb-2021, Judecătoria Calarasi, stabilire maternitate (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- H. Decizie nr. 3355/2021 din 20-apr-2021, Judecătoria Baia Mare, stabilire maternitate (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

6. *Desfacerea sau anularea căsătoriei*

- A. Sentința nr. 1252/2018 din 10-sept-2018, Tribunalul Hunedoara, exequator (recunoasterea inscrisurilor si hotararilor straine) (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- B. Sentința nr. 1502/2018 din 12-sept-2018, Tribunalul Bucuresti, exequator (recunoasterea inscrisurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- C. Sentința nr. 434/2018 din 03-dec-2018, Tribunalul Arges, exequator (recunoasterea inscrisurilor si hotararilor straine) (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- D. Sentința nr. 4530/2019 din 15-apr-2019, Judecătoria Craiova, consfințire acord mediere (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- E. Sentința nr. 614/2019 din 13-iun-2019, Judecătoria Dej, anulare act (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- F. Sentința nr. 227/2020 din 15-apr-2020, Judecătoria Liesti, anulare act (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- G. Sentința nr. 365/2020 din 30-iun-2020, Judecătoria Panciu, stare civila (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- H. Sentința nr. 11244/2020 din 04-dec-2020, Judecătoria Constanta, anulare act (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- I. Sentința nr. 1426/2021 din 04-mar-2021, Judecătoria Cluj Napoca, anulare act (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- J. Sentința nr. 448/2021 din 07-apr-2021, Judecătoria Carei, anulare act (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

7. *Desfacerea sau anularea adopției*

- A. Sentința nr. 271/2018 din 11-oct-2018, Tribunalul Sibiu, exequator (recunoasterea inscrisurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- B. Sentința nr. 2094/2018 din 22-nov-2018, Tribunalul Bucuresti, exequator (recunoasterea inscrisurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- C. Sentința nr. 8117/2018 din 13-dec-2018, Judecătoria Pitesti, stare civila (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- D. Sentința nr. 37/2019 din 31-ian-2019, Tribunalul Vrancea, reintegrare in familie (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

- E. Sentința nr. 4762/2019 din 08-iul-2019, Judecătoria Bucuresti Sectorul 1, stare civila (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- F. Sentința nr. 578/2019 din 12-sept-2019, Tribunalul Dolj, exequator (recunoasterea in scrisurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- G. Sentința nr. 2362/2019 din 24-oct-2019, Tribunalul Bucuresti, nulitate act (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- H. Sentința nr. 512/2020 din 22-iun-2020, Tribunalul Bucuresti, exequator (recunoasterea in scrisurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- I. Sentința nr. 753/2020 din 20-mai-2020, Tribunalul Constanta, autorizarea accesului la informatiile autoritatilor publice (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- J. Sentința nr. 29/2021 din 04-feb-2021, Tribunalul Bistrita Nasaud, exequator (recunoasterea in scrisurilor si hotararilor straine) (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

8. Filiație

- A. Sentința nr. 608/2018 din 18-sept-2018, Tribunalul Calarasi, exequator (recunoasterea in scrisurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- B. Sentința nr. 368/2019 din 23-ian-2019, Judecătoria Brasov, filiatie (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- C. Sentința nr. 3813/2019 din 10-mai-2019, Judecătoria Ploiesti, filiatie (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- D. Sentința nr. 1764/2019 din 16-sept-2019, Judecătoria Resita, filiatie (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- E. Sentința nr. 351/2020 din 27-mar-2020, Judecătoria Fetesti, filiatie (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- F. Sentința nr. 1228/2020 din 12-oct-2020, Tribunalul Bucuresti, exequator (recunoasterea in scrisurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- G. Sentința nr. 4824/2020 din 29-oct-2020, Judecătoria Buzau, filiatie (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- H. Sentința nr. 23/2021 din 12-ian-2021, Judecătoria Barlad, filiatie (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- I. Sentința nr. 3152/2021 din 22-iun-2021, Judecătoria Braila, filiatie (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

- J. Sentința nr. 1044/2021 din 14-iun-2021, Tribunalul Caras Severin, exequator (recunoasterea inregistrurilor si hotararilor straine) (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

9. *Înregistrarea tardivă a nașterii*

- A. Sentința nr. 8946/2018 din 20-sept-2018, Judecătoria Craiova, înregistrare tardivă a nașterii (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- B. Sentința nr. 12144/2018 din 11-dec-2018, Judecătoria Timișoara, înregistrare tardivă a nașterii (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- C. Sentința nr. 905/2019 din 27-iun-2019, Judecătoria Aiud, înregistrare tardivă a nașterii (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- D. Sentința nr. 11096/2019 din 21-oct-2019, Judecătoria Craiova, înregistrare tardivă a nașterii (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- E. Sentința nr. 7611/2019 din 13-nov-2019, Judecătoria Focsani, înregistrare tardivă a nașterii (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- F. Sentința nr. 74/2020 din 22-ian-2020, Judecătoria Carei, înregistrare tardivă a nașterii (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- G. Sentința nr. 2136/2020 din 09-mar-2020, Judecătoria Craiova, înregistrare tardivă a nașterii (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- H. Sentința nr. 10903/2020 din 02-dec-2020, Judecătoria Iasi, înregistrare tardivă a nașterii (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- I. Sentința nr. 906/2021 din 05-apr-2021, Judecătoria Barlad, înregistrare tardivă a nașterii (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- J. Sentința nr. 3678/2021 din 09-apr-2021, Judecătoria Galati, înregistrare tardivă a nașterii (Minori si familie), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

10. *Declaraarea judecătorească a morții*

- A. Sentința nr. 11685/2018 din 15-oct-2018, Judecătoria Timisoara, declararea judecătorească a morții (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- B. Sentința nr. 1627/2018 din 03-oct-2018, Judecătoria Pascani, declararea judecătorească a morții (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- C. Sentința nr. 1228/2019 din 29-ian-2019, Judecătoria Timisoara, declararea judecătorească a morții (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- D. Sentința nr. 1167/2019 din 17-apr-2019, Judecătoria Petrosani, declararea judecătorească a morții (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- E. Sentința nr. 2407/2019 din 13-nov-2019, Judecătoria Gheorgheni, declararea judecătorească a morții (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- F. Sentința nr. 233/2020 din 27-mar-2020, Judecătoria Sannicolaul Mare, declararea judecătorească a morții (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- G. Sentința nr. 1257/2020 din 19-oct-2020, Judecătoria Carei, declararea judecătorească a morții (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- H. Sentința nr. 2282/2020 din 11-nov-2020, Judecătoria Petrosani, declararea judecătorească a morții (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- I. Sentința nr. 171/2021 din 25-mar-2021, Judecătoria Lipova, declararea judecătorească a morții (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)
- J. Sentința nr. 7673/2021 din 23-iun-2021, Judecătoria Timisoara, declararea judecătorească a morții (Civil), URL: <http://www.rolii.ro/> (Retrieved: February 2022)

Secondary sources

AITSISELMI, F., TROUILLE, H. (2000). Legal translation in the classroom, a case study. In: Tradulex.org. Genève 2000: Actes. La traduction juridique. Histoire, théorie(s) et pratique. (17-19 February 2000). Available at: <http://www.tradulex.org>.

- ALCARAZ, E., HUGHES, B. (2002). *Legal Translation Explained*. Manchester: St Jerome.
- ASENSIO, R. M. (2003). *Translating Official Documents*. Manchester: St. Jerome.
- ASENSIO, R. M. (2007). *Specialised translation. A concept in need of revision*. Babel: 53(1), pp. 48-55.
- BAAIJ, C. J. W. (2014). Legal Translation and the 'Contamination' of Comparative Legal Research. In: *Comparative Law – Engaging Translation*, Simone Glanert (ed), pp. 104-122. Abingdon: Routledge.
- BAJČIĆ, M. (2017). *New Insights into the Semantics of Legal Concepts and the Legal Dictionary*. Amsterdam/Philadelphia: John Benjamins.
- BAKER, M. (1992). *In Other Words: A Coursebook on Translation*. London/ New York: Routledge.
- BALLARD, M. (1993). *La traduction à l'université*. Lille: Presses Universitaires de Lille.
- BALOGH, D. (2019). *The role of genres and text selection in legal translator training*. *Studies in Logic* : 58(1), pp. 17–34.
- BASSNETT, S. (2002). *Translation Studies*. 3rd Edition. London: Routledge.
- de BEAUGRANDE R., DRESSLER, W. (1981). *Introduction to text linguistics*. London and New York: Longman
- BEAUDOIN, L. (2002). Legal Translation in Canada. In: *The Development of Legal Language*, Heikki. E.S. Mattila (ed), pp. 115-130. Helsinki: Kauppakaari.
- BEAUPRÉ, M. (1986). *Interpreting Bilingual Legislation*. Toronto: Carswell.
- BERGER, A. (2009). Online Access to Legislation in the EU: from Fee-based to Free Information. In: *Law via the Internet*, Ginevra Peruginelli and Mario Ragona (ed), pp.49-56. Florence: European Press Academic Publishing.
- BERMAN, H. J. (2015). *Law and Language. Effective Symbols of Community*. Cambridge: Cambridge University Press.
- BHATIA, V. K. (1993). *Analysing Genre Language Use in Professional Settings*. London: Longman.
- BHATIA, VK. (1997). Translating legal genres. In A. Trosborg (Ed.), *Text typology and translation*. Amsterdam: John Benjamins.
- BHATIA, VK. (1983). *Applied discourse analysis of English legislative writing. A Language Studies Unit Research Report*. Birmingham: University of Aston.
- BHATIA, VK. (1987). Language of the law. *Language Teaching*: 20, pp. 227-234.
- BHATIA, VK. (2004). *Worlds of written discourse: A genre-based view*. London: Continuum.

BHATIA, VK. (2006). Legal genres. In: Encyclopedia of Language & Linguistics Volume 7, Kevin Brown (ed), pp. 1-7. Boston: Elsevier.

BHATIA, VK. (2008). Genre analysis, ESP and professional practice. *English for Specific Purposes*; 27(2), pp. 161-174.

BHATIA, VK. (2010). Drafting Legislative Provisions: Challenges and Opportunities. *The Loophole*, 12, pp. 5-15.

BIEL, Ł. (2008). Legal terminology in translation practice: dictionaries, googling or discussion forums? *SKASE Journal of Translation and Interpretation*, 3(1), pp. 22-38. Available at: http://www.skase.sk/Volumes/JTI03/pdf_doc/BielLucja.pdf.

BIEL, Ł. (2009). Organization of background knowledge structures in legal language and related translation problems. *Comparative Legilinguistics. International Journal for Legal Communication*, 1, pp. 176-189.

BIEL, Ł. (2010). Corpus-Based Studies of Legal Language for Translation Purposes: Methodological and Practical Potential. In: *Reconceptualizing LSP. Online proceedings of the XVII European LSP Symposium 2009*, Carmen Heine and Jan Engberg (ed). Aarhus: Aarhus.

BIEL, Ł. (2010). The textual fit of legal translations: focus on collocations in translator training. In: *Teaching Translation and Interpreting: Challenges and Practices*, Łukasz Bogucki and Mikołaj Deckert (ed), pp. 23-38. Newcastle upon Tyne: Cambridge Scholars.

BIEL, Ł. (2014). *Lost in the Eurofog: The Textual Fit of Translated Law*. Frankfurt am Main: Peter Lang.

BIEL, Ł. (2014). The textual fit of translated EU law: A corpus-based study of deontic modality. *The Translator*, 20(3), pp. 332-355.

BIEL, Ł., Engberg, J. (2013). Research models and methods in legal translation. *Linguistica Antverpiensia*, 12, pp. 1-11.

BIEL, Łucja. (2011). Professional realism in the legal translation classroom: Translation competence and translator competence. *Meta*, 56(1), pp. 162-178.

BLACK'S LAW Dictionary, URL: <https://www.latestlaws.com/wp-content/uploads/2015/04/Blacks-Law-Dictionery.pdf>

BOCQUET, C. (1994). *Pour une méthode de traduction juridique*. Prilly: CB Service.

BOCQUET, C. (2008). *La traduction juridique: fondement et méthode*. Brussels: De Boeck.

BRACEY, D. H. (2006). *Exploring Law and Culture*. Long Grove, IL: Waveland Press.

BROECK, R. van den. (1978). The concept of equivalence in translation theory. Some critical reflections. In Holmes, J.S., Lambert, J. and Broeck, R. van den (eds.) *Literature and Translation*. Leuven: Academic, pp. 29-47.

BUTT, P., CASTLE, R. (2006). *Modern Legal Drafting*. New York: Cambridge University Press.

CAMBRIDGE Dictionary, URL: <https://dictionary.cambridge.org/>

CAMINADE, M., PYM, A. (1998). Translator-training institutions. In: Mona Baker (ed.), *Routledge Encyclopedia of Translation Studies*. London: Routledge, pp. 280-285.

CAO, D. (2007). *Translating Law*. Clevedon: Multilingual Matters. Education Press.

CATFORD, J. C. (1965). *An Essay in Applied Linguistics* (first ed.). Oxford University Press.

CHARROW, V.R., CRANDALL, J.A., CHARROW R.P. (1982). Characteristics and functions in legal language. In: R. Kittredge/J. Lehrberger (eds.). *Sublanguage* Berlin: Walter de Gruyter.

CHESTERMAN, A. (1997). *Memes of Translation: The Spread of Ideas in Translation Theory*. Amsterdam: John Benjamins.

CHESTERMAN, A., WILLIAMS, J. (2002). *The Map: A Beginner's Guide to Doing Research in Translation*. London/ New York: Routledge.

CHIRILĂ, C., MÎNDRECI, G. (2013). Linguistic Changes in the Context of European Regional Development. In: *Management Strategies Journal*, 4th year, Special issue, Independența Economică Publishing House, pp. 185-189.

CHROMÁ, M. (2014). Making sense in legal translation. *Semiotica*, 201(1/4), pp. 121-144.

CHROMÁ, M. (2007). Cross-cultural traps in legal translation. In C. Candlin, & M. Gotti (Eds.), *Intercultural aspects of specialized communication* (2nd ed.) (pp. 197-221). Bern: Peter Lang.

CORBESCU, A. (2020). *Doing Legal Research in Romania*. Available at: <https://www.nyulawglobal.org/globalex/Romania1.html> (Accessed: 25 June 2021)

CORDERO, A. (1994). The role of the university in the professionalization of the translator. In: Deanna L. Hammond, ed. *Professional Issues for Translators and Interpreters*. American Translators Association Scholarly Monograph Series VII. Amsterdam: John Benjamins, pp. 171-179.

CORNU, G. (1990). *Vocabulaire juridique*. Paris: Presses universitaires de France.

CORNU, G. (2005). *Linguistique juridique*, 3rd ed. Paris: Montchrestien.

COTTERRELL, R. (2006). *Law, Culture and Society Legal Ideas in the Mirror of Social Theory*. Aldershot: Ashgate.

CRISTEA, T. (2000). *Stratégies de la traduction*. București: Editura Fundației România de mâine.

DANET, B. (1980). Language in the legal process. In: *Law and Society Review*, 14, pp. 445-564.

DANET, B. (1985). Legal discourse. In: *Handbook of discourse analysis*, vol. 1, ch. 11. London: Academic Press.

DAVID, R. (1980). *English law and French law*. London: Stevens.

DE GROOT, G-R. (2006). Legal translation. In *Elgar Encyclopedia of Comparative Law*, ed. Jan M. Smits. Cheltenham: Edward Elgar, pp. 423-433.

DEJICA, D. (2009). "Approaching Cultural Relations for Translation Purposes". In Croitoru, E. (ed.) *Translation Studies, Retrospective and Prospective Views*, 6/2009. Galati: Galati University Press Foundation, pp. 43-50.

DEJICA, D. (2010). "Approaching the Information Universe for Translation Purposes: the Atomistic Perspective", In Frentiu, L. (ed.) *Romanian Journal of English Studies*, 7/2010. Timisoara: Editura Universitatii de Vest, pp. 252-264.

DEJICA, D. (2013) "Mapping the Translation Process: The Cultural Challenge". In H. Parlog and L. Frentiu (eds.), *Translating Across Cultures: BAS 21st Annual Conference*. Cambridge Scholars Publishing. pp. 11-28.

DEJICA, D., A. Dejica-Carțiș. (2020). 'The Translation Process: Traditional Approaches and Contemporary Challenges' in Antoanela Marta Mardar (ed.) *Encounters across Linguistic, Cultural and Professional Contexts: In Honorem Professor Elena Croitoru*. Cluj-Napoca: Casa cărții de știință. pp. 119-136.

DELISLE, J. (1980). *L'analyse du discours comme méthode de traduction*. Cahiers de Traductologie 2. Ottawa: Éditions de l'Université d'Ottawa.

DRIEDGER, E. (1982). Legislative drafting style: Civil law versus common law'. In J-C. Gémard (Ed.), *Langage du droit et traduction [The language of the law and translation]* (pp. 63-81). Montreal: Linguattech/Conseil de la Langue Française.

EMT BOARD. (2017). *Competence Framework 2017*. URL: https://ec.europa.eu/info/sites/default/files/emt_competence_fwk_2017_en_web.pdf

EMT EXPERT GROUP. (2009). *Competences for professional translators, experts in multilingual and multimedia communication*. URL: https://ec.europa.eu/info/sites/default/files/emt_competences_translators_en.pdf

ENGBERG, J. (2004). Statutory Texts as Instances of Language(s): Consequences and Limitations on Interpretation. *Brooklyn Law Journal*, 3, pp. 1135-1166.

ENGBERG, J. (2013). Comparative law for translation: the key to successful mediation between legal systems. In *Legal translation in context: Professional issues and prospects*, ed. Annabel Borja Albi and Fernando Prieti Ramos, pp. 9-25. Bern: Peter Lang.

ENGBERG, J. (2015). Autonomous EU Concepts - Fact or Fiction? In Šarčević (Ed.), *Language and Culture in EU Law: Multidisciplinary Perspectives* (pp. 169-182). Farnham: Ashgate.

ENGBERG, J. (2016). Word Meaning and a Globalized Legal Order. In Tiersma & Solan (Eds.), *The Oxford Handbook of Language and the Law* (pp. 175-185). Oxford: Oxford University Press.

EUROPEAN COMMUNITIES. (2008). The European Qualifications Framework for Lifelong Learning (EQF). Retrieved September 16, 2020, URL: http://ecompetences.eu/wp-content/uploads/2013/11/EQF_broch_2008_en.pdf

FELICI, A. (2015). Translating EU Legislation from a Lingua Franca: Advantages and Disadvantages. In Šarčević (Ed.), *Language and Culture in EU Law. Multidisciplinary Perspectives* (pp. 123-141). Farnham: Ashgate.

GALDIA, M. (2003). Comparative law and legal translation. *The European Legal Forum* 1, pp. 1-4.

GALDIA, M. (2009). *Legal Linguistics*. Frankfurt am Main/New York et al: Peter Lang.

GARCÍA IZQUIERDO, I., BORJA ALBI, A. (2008). A multidisciplinary approach to specialized writing and translation using a genre based multilingual corpus of specialized texts. *LSP and professional communication*, 8(1), pp. 39-63.

GARZONE, G. (2000): "Legal Translation and Functionalist Approaches: a Contradiction in Terms?," in *ASTTI/ETI* (2000), pp. 395-414.

GARZONE, G., Ilie, C. (2014). Introduction. In *Genres and genre theory in transition*, ed. Giuliana Garzone and Carmen Ilie, pp. 7-15. Boca Raton: BrownWalker.

GEMAR, J.-C. (1995b). *Traduire ou l'art d'interpréter. Langue, droit et société: éléments de jurilinguistique. Tome 2: Application*, Québec, Presses de l'Université du Québec.

GEMAR, J.-C. (1979). "La traduction juridique et son enseignement: aspects théoriques et pratiques," *Meta*, 24-1, pp. 35-53.

GEMAR, J.-C. (1995a). Traduire ou l'art d'interpréter. Fonctions, statut et esthétique de la traduction. Tome 1: Principes, Québec, Presses de l'Université du Québec.

GEMAR, J.-C. (ed) (1982). Langage du droit et traduction: essais de jurilinguistique, Montréal, Linguattech-Conseil de la langue française.

GEMAR, J.-C. (2002). Le plus et le moins-disant culturel du texte juridique. Langue, culture et équivalence. Meta, 47(2), pp. 163-176.

GIBBONS, J. (Ed.) (1994). Language and the Law. London: Longman.

GILE, D. (1995). Basic Concepts and Models for Interpreter and Translator Training, Amsterdam/ Philadelphia, John Benjamins.

GLANERT, S., Legrand, P. (2013). Foreign law in translation: if truth be told.... In Current legal issues: law and language, ed. Michael Freeman and Fiona Smith, 513-532. Oxford: Oxford.

GOTTI, M. (2008). Investigating Specialized Discourse, 2nd ed. Bern/Berlin/Bruxelles et al: Peter Lang.

GOTTI, M. (2012). Text and genre. In The Oxford Handbook of Language and the Law, ed. Peter M. Tiersma and Laurence M. Solan, pp. 52-66. Oxford: Oxford.

GOTTI, M., ŠARČEVIĆ, S. (Eds.) (2006). Insights into specialized translation. Bern: Peter Lang.

GOUADEC, D. (2007). Translation as a Profession. Amsterdam: John Benjamins.

GREERE, A., ALDEA, B., 2001, Practica traducerii juridico-economice: Domeniul englez, Echinox, Cluj-Napoca

GREERE, A. (2003). Translating for Business Purposes: A Functionalist Approach. Cluj: Clusium

GUBBY, H. (2004): English Legal Terminology. Legal Concepts in Language. The Hague: Boom Juridische uitgevers.

GUTT, E. (1991). Translation and relevance: Cognition and context. Blackwell. UK.

HAIGH, R. (2009). Legal English. Abingdon/New York: Routledge-Cavendish.

HARDY, J. (1961). The Interpretation of Plurilingual Texts by International Courts and Tribunals, The British Yearbook of International Law, no. 37, pp. 72-155.

HART, H. L. A. (1962). The concept of law. Oxford: Clarendon.

HARVEY, M. (1997). Les langages juridiques français et anglais: une étude comparative, doctoral thesis, Université Lumière Lyon 2.

HARVEY, M. (2000). "A Beginner's Course in Legal Translation: the Case of Culture-bound Terms," in ASTTI/ETI (2000), pp. 357-369.

HARVEY, M. (2002). What's so special about legal translation? *Meta*, 47(2), pp. 177-185.

HARVEY, M. (2000). A beginner's course in legal translation: the case of culture-bound terms. In: Tradulex.org. Genève 2000: Actes. La traduction juridique. Histoire, théorie(s) et pratique. (17-19 February 2000).

HATIM, B., MASON, I. (1990). *Discourse and the Translator*. London: Longman.

HATIM, B., MASON, I. (1997). *The translator as communicator*. London & New York: Routledge.

HATIM, B. (2001): Teaching and Researching Translation. Harlow: Longman.

HATIM, B., MASON I. (1997). The translator as communicator. London & New York: Routledge.

Hatim, B., MUNDAY J. (2004). Translation. An advanced resource book. London & New York: Routledge.

HERTEL, C. (2009). An overview of legal systems. *Notarius International* 1(2), pp. 128-141.

HOLMES, R. (1997). Genre analysis, and the social sciences: An investigation of the structure of research article discussion sections in three disciplines. *English for Specific Purposes*; 16(4):321-337.

HOUBERT, F. (2005). Guide Pratique de la Traduction Juridique: Anglais/Français. Paris: La Maison du Dictionnaire.

HURTADO ALBIR, A. (2007). Competence-based curriculum design for training translators. *The Interpreter and Translator Trainer*, 1(2), pp. 163-195

HYMES, D. H. (1979): On communicative competence. In: Christopher J. Brumfit/Keith Johnson (eds.): *The communicative approach to language teaching*, pp. 5-27. Oxford: Oxford University Press.

JAKOBSON, R. (1959/2000). On linguistics aspects of translation. In Venuti, L. (ed.) (2000), *The Translation Studies Reader*. London and New York: Routledge, 113-118.

JOPEK-BOSIACKA, A. (2011). Defining law terms: A cross-cultural perspective. *Research in Language*, 9(1), pp. 9-29.

JOSEPH, J. (1995). Indeterminacy, Translation and the Law. In M. Morris (1995), pp. 13-36.

KELLY, D. (2005): *A Handbook for Translator Trainers. A Guide to Reflective Practice*. Manchester: St. Jerome.

KJÆR, A. L. (2008). The Every-Day Miracle of Legal Translation. *International Journal for the Semiotics of Law*, 21, 1, pp. 67-72.

KJÆR, A.L. (2003). Convergence of European Legal Systems: The Role of Language. *Copenhagen Studies in Language*, 29, pp. 125-137.

KJÆR, A.L. (2015). Theoretical Aspects of Legal Translation in the EU: The Paradoxical Relation-ship between Language. Translation and the Autonomy of EU Law. In Šarčević (Ed.), *Language and Culture in EU Law. Multidisciplinary Perspectives*, pp. 91-109. Farnham: Ashgate.

KOŚCIAŁKOWSKA-OKOŃSKA, E. (2016). Implications of translation competence in the legal context: A didactic perspective. *Comparative Legilinguistics* 27. pp. 33–48.

KURZON, D. (1989): Language of the law and legal language. In: Christer Laurén/Marianne Nordman (eds.): *Special language: From humans thinking to thinking machines. Multilingual Matters: Clevedon/Philadelphia*.

LANE, A. (1982). "Legal and Administrative Terminology and Translation Problems," in J.-C. Gémard (1982), pp. 219-231.

LASNIER, F. (2000). *Reussir la formation par competences*. Montreal: Guerin.

LEFEVERE, A. (1976). *Louvain Colloquium on Literature and Translation*.

LEGAULT, G. (1979). "Fonctions et structure du langage juridique," *Meta*, 24-1, pp. 18-25.

LESZNYÁK, M. (2007). Conceptualizing translation competence. *Across languages and cultures*, 8 (2), pp. 167-194.

LEVIȚCHI, L. (2000). *Limba Engleză – Manualul Traducătorului*. București: Teora.

MACMILLAN Dictionary – The Free Online English Dictionary from Macmillan Education, URL: <https://www.macmillandictionary.com/>

MARTIN, JR. (1984). Language, register and genre. In: Christie F, editor. *Children writing: A reader*, Geelong, Vic: Deakin University Press; pp. 21-30.

MATTILA, H. E.S. (2016). Legal Vocabulary. In Tiersma & Solan (Eds.), *The Oxford Handbook of Language and the Law* (pp. 27-39). Oxford: Oxford University Press.

MATTILA, H.E.S. (2013). *Comparative Legal Linguistics. Language of Law, Latin and Modern Lingua Francas*, 2nd ed. Aldershot: Ashgate.

MATULEWSKA, A. (2013). *Legilinguistic Translatology. A Parametric Approach to Legal Translation*. Bern/Berlin: Peter Lang.

MELLINKOFF, D. (1963). *The Language of the Law*, Boston/Toronto, Little, Brown and Co.

MÖHN, D., PELKA, R. (1984) Fachsprachen: Eine Einführung in die sprachlichen Folgen arbeitsteiligen Handelns. Tübingen: Niemeyer

MONJEAN-DECAUDIN, S., POPINEAU, J., (2019) "How to apply comparative law to legal translation: A new juritraductological approach to the translation of legal texts", In *Research methods in legal translation and interpreting*, Routledge, pp. 115-129, URL: <https://halshs.archives-ouvertes.fr/halshs-03084449/document> [Accessed 31 January 2021]

MONZÓ, E. (2003). Corpus-based Teaching: The Use of Original and Translated Texts in the training of legal translators. *Translation Journal*. 7(4).

MORRIS, M. (ed) (1995). *Translation and the Law*, Amsterdam/Philadelphia, John Benjamins.

MOUNIN, G. (1963). *Problèmes théoriques de la traduction*, Paris: Gallimard.

MUNDAY, J. (2001). *Introducing Translation Studies. Theories and Applications*. London: Routledge.

NCSC-NATIONAL CENTER FOR STATE COURTS. (2011). *Guide to Translation of Legal Materials*. Consortium for Language Access in the Courts: Williamsburg.

NEUBERT, A. (1973). Invarianz und Pragmatik. In *Neue Beiträge zu Grundfragen der Übersetzungswissenschaft*. Leipzig: VEB Verlag Enzyklopadie. pp. 13-26.

NEUBERT, A and Gregory M. Shreve. (1992). *Translation as Text*. Kent, Ohio: The Kent State University Press

NEWMARK, P. (1981). *Approaches to Translation*. Oxford and New York: Pergamon Press.

NEWMARK, P., (1988). *A Textbook of Translation*. New York and London: Prentice Hall.

NIDA, E. (1964). Linguistics and ethnology in translation problems. In *Language and culture and society*. Dell, H. (ed.). Harper and Row. UK.

NIDA, E. (1966). *Principles of Translation as Exemplified in Bible Translating*. Oxford: Oxford University Press.

NIDA, E. A. (1964). *Towards a Science of Translating: With Special Reference to Principles and Procedures Involved in Bible Translating*. Leiden: Brill.

NIDA, E. A. (1976). A framework for the analysis and evaluation of theories of translation. In *Translation: Applications and Research*, ed. Richard W. Brislin, pp. 47-91. New York: Gardner Press.

NIDA, E. and TABER, R. (1982). *The theory and practice of translation*. Brill. Leiden.

NORD, C. (1991). *Text Analysis in Translation: Theory, Methodology and Didactic Application of a Model for Translation-Oriented Text Analysis*. Amsterdam: Rodopi

NORD, C. (1997). *Translating as a Purposeful Activity*, Manchester: St. Jerome.

NORD, C. (2011). "Vertikal statt horizontal: die bersetzungseinheit aus funktionaler sicht". In *Funktionsgerechtigkeit und Loyalität. Theorie, Methode und Didaktik des funktionalen Übersetzens*, volume 32 of TRANSUD Arbeiten zur Theorie und Praxis des Dolmetschens. Frank & Time, Berlin.

ONESTI, C. (2011). Methodology for Building a Text-Structure Oriented Legal Corpus, Comparative Legilinguistics. *International Journal for Legal Communication*, 8: 37-48.

ORDUDARI, M. (2007). Translation Procedures, Strategies and Methods. *Translation Journal*, 11, 4

de PEDRO, R. (1999). The Translatability of Texts: A Historical Overview. In *Meta*, 44(4), pp. 546–559.

PEJOVIC, C. (2001). *Civil Law and Common Law: Two Different Paths Leading to the Same Goal*. Victoria University of Wellington Law Review, 32(3), 817–842

PHILLIPS, A. (2003). *Lawyers' language*. London: Routledge.

PIECYCHNA, B. (2013). Legal translation competence in the light of translational hermeneutics. *Studies in Logic, Grammar and Rhetoric* 34(47), pp. 141–159.

PIGEON, L-P. (1982). La traduction juridique: L'équivalence fonctionnelle. In *Langage du droit et traduction*, ed. Jean-Claude Gémard, pp. 271-281. Québec: Conseil de la langue française.

PIZZUTO, A. (2014), *Translation Procedures: The Technical Component of the Translation Process*, URL: <https://bit.ly/2tKENTN>

POMMER, S. (2005-1). Cultural Competency in Legal Translation: How Comparative Law Knowledge Influences Legal Translation Strategies. In: *Congress Proceedings, Fedorov Readings-VII*. St. Petersburg: 2005, pp. 376-381.

POMMER, S. (2005-2). Re-evaluating Interdisciplinarity: The Significance of Comparative Law for Legal Translation Methodology. In: *FIT Proceedings, XVIIth World Congress of the International Federation of Translators: Rights on!*, Tampere 4.-7.8.2005, Paris: FIT, pp. 72-74.

POMMER, S. (2006). Legal Terminology and European Integration. In: *Proceedings of the Warsaw International Forum on "Court Interpreting and Legal Translation in the Enlarged Europe 2006"*, Warsaw: TEPIS, 2006, in print.

POMMER, S. (2007-1). Droit comparé et traduction juridique – Réflexions jurilinguistiques sur les principes communs. In: Actes des XXles Journées de Linguistique de l'Université Laval, Québec: 8.-10.3.2007, in print.

POMMER, S. (2007-2). No Creativity in Legal Translation? In: Babel – Journal international sur le monde de la traduction, Paris: FIT, Vol. 53:3, 2007, in print.

POMMER, S. (2008). Translation as intercultural transfer: The case of law. *SKASE Journal of Translation and Interpretation* 3(1). pp. 17–21.

PRIETO RAMOS, F. (2013). Implications of text categorisation for corpus based legal translation research. The case of international institutional settings. In L. Biel (Ed.), *Research Methods in Legal Translation and Interpreting. Crossing Methodological Boundaries* (pp. 29-47). London & New York: Routledge.

PRIETO RAMOS, F. (2014). Legal Translation Studies as Interdiscipline: Scope and Evolution. *Meta Journal*, 59 (2), pp. 260-277

PRIETO RAMOS, F. (2011). Developing Legal Translation Competence: An Integrative Process-Oriented Approach, Comparative Legilinguistics. *International Journal for Legal Communication*, 5: 7-21.

PYM, A. (2010). Exploring translation theories. London: Routledge.

PYM, A. (2003): Redefining Translation Competence in an Electronic Age. In Defence of a Minimalist Approach. *Meta*. 48(4):481-497.

PYM, A. (2008): Professional corpora: Teaching strategies for work with online documentation, translation memories, and content management. *Chinese Translators' Journal*. 29(2):41-45.

REISS, K. (1971). *Möglichkeiten und Grenzen der Übersetzungskritik: Kategorien und Kriterien für eine sachgerechte Beurteilung von Übersetzungen*. München: Max Hueber (Trans. by Erroll F. Rhodes (2000) as *Translation Criticism – The Potentials and Limitations: Categories and Criteria for Translation Quality Assessment*, New York/ American Bible Society/ Manchester (UK) St. Jerome Publishing)

REISS, K. (1989). Text types, translation types and translation assessment. In: Chesterman, A. (ed.) *Readings in Translation Theory*.

REISS, K. and Vermeer, H. J. (1984). *General Foundations of Translation Theory* [M]. Tübingen: Niemeyer.

ROBERTSON, C. (2012). EU legal English: common law, civil law or a new genre? *European Review of Private Law*, 20(5---6), pp. 1215-1239.

ROBERTSON, C. (2015). EU Multilingual Law: Interfaces of Law, Language and Culture. In Šarčević (Ed.), *Language and Culture in EU Law. Multidisciplinary Perspectives* (pp. 33-53). Farnham: Ashgate.

ROBINSON, D. (1997). *What is Translation?* Translation Studies Series. Kent, Ohio: The Kent State University Press.

ROSSINI, C. (1998). *English as a Legal Language*. The Hague/London/Boston: Kluwer Law International.

SAGER, J., D. Dungworth, P. McDonald (1980): *English Special Languages. Principles and practice in science and technology*, Wiesbaden, Brandstetter.

SAMUEL, G. (2014). *An introduction to comparative law theory and method*. Oxford: Hart.

SANDRINI, P. (1999). *Legal terminology. Some aspects for a new methodology*. *Hermes*, 22, pp. 101-112.

ŠARČEVIĆ, S. 1985. 'Translation of Culture-Bound Terms in Laws', *Multilingua*, vol. 4(3), pp. 127-133

ŠARČEVIĆ, S. (1997). *New Approach to Legal Translation*. The Hague: Kluwer Law International.

ŠARČEVIĆ, S. (2009). *Legal Language in Action: Translation, Terminology, Drafting and Procedural Issues*. Zagreb: Globus.

ŠARČEVIĆ, S. (2012). *Challenges to the Legal Translator*. In *The Oxford Handbook of Language and Law*, ed. Peter M. Tiersma and Lawrence Solan 187-199. Oxford: Oxford University Press. *Comparative Legilinguistics* 16/2013

SĂRMAȘIU, A. (2020) *Identifying and Applying Specific Transversal Competences in the Legal Translation Field. An Interdisciplinary Approach*, In DLSS Conference Volume - „Limbajele specializate în contextul noilor medii de învățare: Provocări și oportunități” (Ed. Roxana Maria Nistor, Camelia Teglaș), Cluj-Napoca: Presa Universitară Clujană, ISBN 978-606-37-0953-1, pp. 169-182

SĂRMAȘIU, A. (2021) *On the translatability of legal texts: Investigating and applying principles of equivalence, conventionality and functionality*, In RIELMA – *Revue Internationale d'Études en Langues Modernes Appliquées/ International Review of Studies in Applied Modern Languages*, 14/2021, URL: https://lett.ubbcluj.ro/rielma/RIELMA_no14_2021_Supplement.pdf, pp. 96-105

SĂRMAȘIU, A. (2021) *Challenges of Legal Translation: Specific Problems and Strategies Identified Through a Virtual Workshop*, In *PROFESSIONAL COMMUNICATION AND TRANSLATION STUDIES*, 14/2021, Politehnica Timișoara Publishing House, 2021, URL: <https://sc.upt.ro/ro/publicatii/pcts/issues-pcts/586-14-2021>, pp. 158-167

SĂRMAȘIU, A. (2021) *Categorising Legal Text Typologies in Translation: A Methodological Approach*, In *ANNALES UNIVERSITATIS APULENSIS. SERIES PHILOLOGICA*, no. 22, issue 2 / 2021, Alba Iulia, URL: http://philologica.uab.ro/upload/38_229_37.pdf, pp. 401-408

SCARPA, F., Orlando, D. (2017). What it takes to do it right. An integrative EMT-based model for legal translation competence. *The Journal of Specialised Translation* 27. pp. 21–42.

SCHÄFFNER, C. (2005): Preparing students of translation for the real world: Needs, methods, constraints. In: Jean Peeters, ed. *On the Relationships Between Translation Theory and Translation Practice*. Frankfurt: Peter Lang, pp. 237-248.

SCHROTH, P. W. (1986). Legal translation. *American Journal of Comparative Law*, 34, pp. 47-65.

SLAPPER, G., KELLY, D. (2017), *The English Legal System*, London, Routledge

SORIANO BARABINO, G. (2016). *Comparative law for legal translators*. Oxford: Peter Lang.

SORIANO BARABINO, G. (2020). Cultural, textual and linguistic aspects of legal translation: A model of text analysis for training legal translators in *International Journal of Legal Discourse*. URL: <https://www.degruyter.com/document/doi/10.1515/ijld-2020-2037/html>

SPARER, M. (1979): “Pour une dimension culturelle de la traduction juridique,” *Meta*, 24-1, pp. 68-94.

SPARER, M. (1988): “L’enseignement de la traduction juridique: une formation technique et universitaire,” *Meta*, 33-2, pp. 320-328.

STOLZE, R. (2013), *The Legal Translator’s Approach to Texts*, In *Humanities* 2013, 2, pp. 56–71.

SWALES, JM. (1990). *Genre analysis: English in academic and research settings*. Cambridge: Cambridge University Press.

THOMSON-WOHLGEMUTH, G., THOMSON, I. (2004). Acquiring capabilities in translation. Towards a model of translation business. *Target*. 16(2):253-287.

TIERSMA, P. M. (1999). *Legal Language*. Chicago and London: University of Chicago Press.

TIERSMA, P. M. (2016). A History of the Languages of Law. In Tiersma and Solan (Eds.), *The Oxford Hand-book of Language and the Law* (pp. 13---27). Oxford: Oxford University Press.

TROSBORG, A. (1997). Text typology: register, genre and text type. In A. Trosborg (Ed.), *Text Typology and Translation* (pp. 3-24). Amsterdam: John Benjamins.

TROSBORG, A. (1997). Translating Hybrid Political Texts,. In *Text Typology and Translation*, pp. 145-158 edited by Trosborg, Anna, Amsterdam, Philadelphia: John Benjamins.

TROSBORG, A. (1988): Request strategies in natives/non-natives. Paper presented at Second Language Research Forum, Honolulu.

TROSBORG, A. (1997). Rhetorical strategies in legal language: discourse analysis of statutes and contracts. Tübingen: Gunter Narr Verlag Tübingen.

TYTLER, A.F. (1791), *Essay on the Principles of Translation*, London: EVERYMAN'S LIBRARY

VARÓ, E.A & Hughes, B. (2002). *Legal Translation Explained. (Translation Practices Explained)*. Manchester: St. Jerome Publishing.

VENUTI, L. (1998). Strategies of Translation. In M. Baker (Ed.). *Routledge Encyclopedia of Translation Studies* (pp. 240-244). London: Routledge.

VENUTI, L. (2000) ed. *The Translation Studies Reader*. London: Routledge.

VERMEER, H. J. (1998). Didactics of translation. In: Mona Baker, ed. *Routledge Encyclopedia of Translation Studies*. London: Routledge, 60-63.

VÎLCEANU, A. (2008) "Being a Translator / Interpreter." *Language and Literature: European Landmarks of Identity* 23-25 May 2008 Pitești. Vol. III. Pitești. Editura Universității din Pitești.

VINAY, J. P., DARBELNET, J. (1993). *Stylistique comparé du français et de l'anglais*, Paris: Didier Erudition.

VINAY, J.P., DARBELNET, J. (1958). *Stylistique Comparée du Français et de l'Anglais: Méthode de Traduction*. Paris: Didier. (Transl. and Ed. by Sager, J.C. and Hamel, M.J. (1995) as *Comparative Stylistics of French and English: A Methodology for Translation*. Amsterdam and Philadelphia: John Benjamins.).

WAY, C. (2016). The Challenges and Opportunities of Legal Translation and Translator Training in the 21st Century. *International Journal of Communication*, 10, 1009---1029.

WAY, C. (2014). Structuring a legal translation course: A framework for decision-making in legal translation training. In Le Cheng, King Kui Sin & Anne Wagner (eds.), *The Ashgate handbook of legal translation*. Farnham: Ashgate.

WESTON, M. (1991). *An English Reader's Guide to the French Legal System*, Oxford, Berg.

WESTON, M. 1983. Problems and Principles in Legal Translation. *The Incorporate Linguist* 22 (4): 207–211.

WILSS, W. (1982). *The Science of Translation. Problems and Methods*. Vol. 80, Tübingen: Narr.

Websites supporting the translation solutions/translation strategies proposed

ACCESSTOLAW (Legal resources selected and annotated by Inner Temple Library). URL: <https://www.accesstolaw.com/uk/case-law/>

BAILII (Case Law Search). URL: https://www.bailii.org/form/search_cases.html

BRITISH COLUMBIA (Family law glossary). URL: <https://www2.gov.bc.ca/>

CIVIL PROCEDURE AND CIVIL LAW GLOSSARY. URL: <https://www.associazione magistrati.it/allegati/civil-procedure-and-civil-law-glossary.pdf>

Cornell Law School (Legal Information Institute). URL: <https://www.law.cornell.edu/>

Couples in Europe (The law for couples in 22 EU countries). URL: <https://www.coupleseurope.eu/>

DEX Dictionary. URL: <https://dexonline.ro/>

European e-Justice Portal. URL: <https://e-justice.europa.eu/>

European Institute for Gender Equality. URL: <https://eige.europa.eu/>

European Parliament (Protection of Vulnerable Adults). URL: [https://www.europarl.europa.eu/RegData/etudes/STUD/2016/581388/EPRS_STU\(2016\)581388_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2016/581388/EPRS_STU(2016)581388_EN.pdf)

European Union Agency for Fundamental Rights. URL: <http://fra.europa.eu/en/publication/2015/guardianship-systems-children-deprived-parental-care-european-union>

Gouvernement de Québec. URL: <https://www.quebec.ca/>

GOV.UK, Official website of all government departments and many other agencies and public bodies. URL: <https://www.gov.uk/>

GOV.UK – Courts, sentencing and tribunals. URL: <https://www.gov.uk/government/publications/form-d8-application-for-a-divorce-dissolution-or-to-apply-for-a-judicial-separation-order>

IATE (Interactive Terminology for Europe). URL: <https://iate.europa.eu/home>

Institute for Divorce Financial Analysts. URL: <https://institutedfa.com/>

Institutul European din România (Serviciul Coordonare Traduceri). URL: <http://ier.gov.ro/>

JUSTIA (US Law). URL: <https://law.justia.com/cases/>

LONGMAN Dictionary. URL: <https://www.ldoceonline.com/>

NINETEENTH JUDICIAL CIRCUIT COURT, LAKE COUNTY, ILLINOIS. URL: <https://www.19thcircuitcourt.state.il.us/>

Notaries of Europe (Couples in Europe). URL: <https://www.notariesofeurope.eu/en/citizens/couples-in-europe/>

Ontario Courts. URL: <https://www.ontariocourts.ca/>

Practical Law (Thomson Reuters). URL: <https://uk.practicallaw.thomsonreuters.com/>

The Eglex Association (Non-Profit Organisation for Protection of Human Rights and Family Values in Monaco and Internationally). URL: <http://www.eglex.org/>

The Court of Justice of the European Union (InfoCuria/Case-law). URL: <https://curia.europa.eu/>

U.S. Department of Justice. URL: <https://www.justice.gov/>

Washington State Courts. URL: <https://www.courts.wa.gov/>

Appendices

Appendix 1 – Collection of legal texts. Corpus of court orders⁷⁰. LEX T.O.S.T.A models

A.1. Separația de bunuri. Corpus of court orders.

1. SB_SCSep2018_Aug2021 (A)
2. SB_SCSep2018_Aug2021 (B)
3. SB_SCSep2018_Aug2021 (C)
4. SB_SCSep2018_Aug2021 (D)
5. SB_SCSep2018_Aug2021 (E)
6. SB_SCSep2018_Aug2021 (F)
7. SB_SCSep2018_Aug2021 (G)
8. SB_SCSep2018_Aug2021 (H)
9. SB_SCSep2018_Aug2021 (I)
10. SB_SCSep2018_Aug2021 (J)

A.2. Separația de bunuri. LEX T.O.S.T.A model

Name of the source text (ST): SB_SCSep2018_Aug2021 (H) - Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori și familie)	
Translation Brief (TT):	
	Target language: <i>American and European English</i>
	Target culture: <i>US and EU cultures</i>
	Purpose: <i>Academic purposes – Identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly</i>
	Text format: <i>Written</i>

⁷⁰ Each text has received a *code name* so that it can be easily identified during the textual analysis.

Name of the source text (ST): SB_SCSep2018_Aug2021 (H) - Sentința nr. 227/2021 din 26-ian-2021, Judecătoria București Sectorul 1, acțiune în constatare (Minori și familie)	
	Guidance for specific terminology: <i>General or semi-specialised or specialised terms (according to the hypothetical receiver, text topic and various conditions established)</i> Keyword: personal or professional purpose Price: According to the US and EU translation market
Extratextual conditions (ST):	
	Producer: Judecătoria București Sectorul 1
	Receiver: International Center for Transitional Justice (US and EU)
	Format/ Structure: The text is structured as a Romanian court order
	Aim: Raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances
	Text field/ topic: Civil Law – Family Law
	Function: The material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes
Textual conditions (TT):	
	Linguistic conditions: Level of specialisation/ Legal language
	Pragmatic conditions: Equivalence problems (Romanian words without English equivalent)
	Cultural conditions: Aspects of Comparative law (legal system, branch of law)
	Textual conditions: Text category
Translation strategies:	consulting parallel corpora and dictionaries: CIVIL PROCEDURE AND CIVIL LAW GLOSSARY Civil_and_Procedural_Law_Glossary.pdf EU Court of Justice Case-law - https://curia.europa.eu/juris/recherche.jsf?language=en US Case-law - https://law.justia.com/cases/ consulting official sources: EU Terminology Database - https://iate.europa.eu/home

B.1.Lichidarea regimului matrimonial. Corpus of court orders.

1. LRM_SCSep2018_Aug2021 (A)
2. LRM_SCSep2018_Aug2021 (B)
3. LRM_SCSep2018_Aug2021 (C)
4. LRM_SCSep2018_Aug2021 (D)
5. LRM_SCSep2018_Aug2021 (E)
6. LRM_SCSep2018_Aug2021 (F)
7. LRM_SCSep2018_Aug2021 (G)
8. LRM_SCSep2018_Aug2021 (H)
9. LRM_SCSep2018_Aug2021 (I)
10. LRM_SCSep2018_Aug2021 (J)

B.2. Lichidarea regimului matrimonial. LEX T.O.S.T.A model

Name of the source text (ST): Lichidarea regimului matrimonial (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Translation Brief (TT):	
	Target language: <i>British – American –European English</i>
	Target culture: <i>UK – US – EU cultures</i>
	Purpose: Academic purposes – <i>Identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly</i>
	Text format: <i>Written</i>
	Guidance for specific terminology: <i>General or Semi-specialised or Specialised terms (according to the hypothetical receiver, text topic and various conditions established)</i> Keyword: personal or professional purpose
Extratextual conditions (ST):	
	Producer: <i>Romanian Courts</i>
	Receiver: <i>UK – US – EU Courts</i>
	Format/ Structure: <i>The text is structured as a Romanian court order</i>
	Aim: <i>Raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances</i>
	Text field/ topic: <i>Civil Law – Family Law</i>
	Function: <i>The material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes</i>

Name of the source text (ST): Lichidarea regimului matrimonial (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Textual conditions (TT):	
	Linguistic conditions: <i>Level of specialisation/ Legal language</i>
	Pragmatic conditions: <i>Equivalence problems (Romanian words without English equivalent)</i>
	Cultural conditions: <i>Aspects of Comparative law (legal system, branch of law)</i>
	Textual conditions: <i>Text category</i>
Translation strategies:	consulting parallel corpora: UK Case-law - UK Case-law US Case-law - https://law.justia.com/cases/ EU Court of Justice Case-law - https://curia.europa.eu/juris/recherche.jsf?language=en consulting official sources: EU Terminology Database - https://iate.europa.eu/home

C.1. Divorțul. Corpus of court orders.

1. DIV_SCSep2018_Aug2021 (A)
2. DIV_SCSep2018_Aug2021 (B)
3. DIV_SCSep2018_Aug2021 (C)
4. DIV_SCSep2018_Aug2021 (D)
5. DIV_SCSep2018_Aug2021 (E)
6. DIV_SCSep2018_Aug2021 (F)
7. DIV_SCSep2018_Aug2021 (G)
8. DIV_SCSep2018_Aug2021 (H)
9. DIV_SCSep2018_Aug2021 (I)
10. DIV_SCSep2018_Aug2021 (J)

C.2. Divorțul. LEX T.O.S.T.A model

Name of the source text (ST): Divorț - Exequator – Canada, London, Texas, Ontario, UE (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Translation Brief (TT):	
	Target language: British – American – Canadian – European English
	Target culture: US – UK – EU – Canadian cultures
	Purpose: Academic purposes – Identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly
	Text format: Written
	Guidance for specific terminology: General or Semi-specialised or Specialised terms (according to the hypothetical receiver, text topic and various conditions established)
Extratextual conditions (ST):	
	Producer: Romanian Courts
	Receiver: UK – US – EU – Canadian Courts
	Format/ Structure: The text is structured as a Romanian court order
	Aim: Raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances
	Text field/ topic: Civil Law – Family Law
	Function: The material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes

Name of the source text (ST): Divorț - Exequator – Canada, London, Texas, Ontario, UE (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Textual conditions (TT):	
	Linguistic conditions: <i>Level of specialisation/ Legal language</i>
	Pragmatic conditions: <i>Equivalence problems (Romanian words without English equivalent)</i>
	Cultural conditions: <i>Aspects of Comparative law (legal system, branch of law)</i>
	Textual conditions: Text category
Translation strategies:	consulting parallel corpora: UK Case-law - UK Case-law US Case-law - https://law.justia.com/cases/ Canada Case-law - https://www.canlii.org/en/ https://www.scc-csc.ca/case-dossier/cb/index-eng.aspx EU Court of Justice Case-law - https://curia.europa.eu/juris/recherche.jsf?language=en consulting official sources: EU Terminology Database - https://iate.europa.eu/home consulting dictionaries/ glossaries/ vocabularies: US - Divorce US Canada – Family law - https://www2.gov.bc.ca/gov/content/life-events/divorce/family-justice/glossary

D.1. Tutela. Corpus of court orders.

1. TUT_SCSep2018_Aug2021 (A)
2. TUT_SCSep2018_Aug2021 (B)
3. TUT_SCSep2018_Aug2021 (C)
4. TUT_SCSep2018_Aug2021 (D)
5. TUT_SCSep2018_Aug2021 (E)
6. TUT_SCSep2018_Aug2021 (F)
7. TUT_SCSep2018_Aug2021 (G)
8. TUT_SCSep2018_Aug2021 (H)
9. TUT_SCSep2018_Aug2021 (I)
10. TUT_SCSep2018_Aug2021 (J)

D.2. Tutela. LEX T.O.S.T.A model

Name of the source text (ST): TUT_SCSep2018_Aug2021 (E) - Sentința nr. 15045/2019 din 30-dec-2019, Judecătoria Iași, tutela (Minori și familie)	
Translation Brief (TT):	
	Target language: <i>European English</i>
	Target culture: <i>EU culture</i>
	Purpose: <i>Academic purposes – Identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly</i>
	Text format: <i>Written</i>
	Guidance for specific terminology: <i>General or Semi-specialised or Specialised terms (according to the hypothetical receiver, text topic and various conditions established)</i>
	Price: <i>According to the EU translation market</i>
Extratextual conditions (ST):	
	Producer: <i>Judecătoria Iași</i>
	Receiver: <i>Institution empowered to control civil registry documents for travelling purposes</i>
	Format/ Structure: <i>The text is structured as a Romanian court order</i>
	Aim: <i>Raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances</i>
	Text field/ topic: <i>Civil Law – Family Law</i>
	Function: <i>The material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes</i>

Name of the source text (ST): TUT_SC Sep2018_Aug2021 (E) - Sentința nr. 15045/2019 din 30-dec-2019, Judecătoria Iași, tutela (Minori și familie)	
Textual conditions (TT):	
	Linguistic conditions: <i>Level of specialisation/ Legal language</i>
	Pragmatic conditions: <i>Equivalence problems (Romanian words without English equivalent)</i>
	Cultural conditions: <i>Aspects of Comparative law (legal system, branch of law)</i>
	Textual conditions: <i>Text category</i>
Translation strategies:	consulting parallel corpora and dictionaries: CIVIL PROCEDURE AND CIVIL LAW GLOSSARY Civil_and_Procedural_Law_Glossary.pdf EU Court of Justice Case-law - https://curia.europa.eu/juris/recherche.jsf?language=en consulting official sources: EU Terminology Database - https://iate.europa.eu/home

E.1. Stabilire maternitate. Corpus of court orders.

1. STM_SCSep2018_Aug2021 (A)
2. STM_SCSep2018_Aug2021 (B)
3. STM_SCSep2018_Aug2021 (C)
4. STM_SCSep2018_Aug2021 (D)
5. STM_SCSep2018_Aug2021 (E)
6. STM_SCSep2018_Aug2021 (F)
7. STM_SCSep2018_Aug2021 (G)
8. STM_SCSep2018_Aug2021 (H)
9. STM_SCSep2018_Aug2021 (I)
10. STM_SCSep2018_Aug2021 (J)

E.2. Stabilire maternitate. LEX T.O.S.T.A model

Name of the source text (ST): Stabilire maternitate (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Translation Brief (TT):	
	Target language: <i>British – American – European English</i>
	Target culture: <i>UK – US – EU cultures</i>
	Purpose: Academic purposes – <i>Identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly</i>
	Text format: <i>Written</i>
	Guidance for specific terminology: <i>General or Semi-specialised or Specialised terms (according to the hypothetical receiver, text topic and various conditions established)</i> Keyword: <i>personal or professional purpose</i>
Extratextual conditions (ST):	
	Producer: <i>Romanian Courts</i>
	Receiver: <i>UK-US-EU Courts</i>
	Format/Structure: <i>The text is structured as a Romanian court order</i>
	Aim: <i>Raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances</i>
	Text field/topic: <i>Civil Law – Family Law</i>
	Function: <i>The material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes</i>

Name of the source text (ST): <i>Stabilire maternitate (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)</i>	
Textual conditions (TT):	
	Linguistic conditions: <i>Level of specialisation/ Legal language</i>
	Pragmatic conditions: <i>Equivalence problems (Romanian words without English equivalent)</i>
	Cultural conditions: <i>Aspects of Comparative law (legal system, branch of law)</i>
	Textual conditions: <i>Text category</i>
Translation strategies:	consulting parallel corpora: UK Case-law - UK Case-law US Case-law - https://law.justia.com/cases/ EU Court of Justice Case-law - https://curia.europa.eu/juris/recherche.jsf?language=en consulting official sources: EU Terminology Database - https://iate.europa.eu/home

F.1. Desfacerea/Anularea căsătoriei. Corpus of court orders.

1. DAC_SCSep2018_Aug2021 (A)
2. DAC_SCSep2018_Aug2021 (B)
3. DAC_SCSep2018_Aug2021 (C)
4. DAC_SCSep2018_Aug2021 (D)
5. DAC_SCSep2018_Aug2021 (E)
6. DAC_SCSep2018_Aug2021 (F)
7. DAC_SCSep2018_Aug2021 (G)
8. DAC_SCSep2018_Aug2021 (H)
9. DAC_SCSep2018_Aug2021 (I)
10. DAC_SCSep2018_Aug2021 (J)

F.2. Desfacerea/Anularea căsătoriei. LEX T.O.S.T.A model

Name of the source text (ST): Desfacerea/Anularea căsătoriei (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Translation Brief (TT):	
	Target language: <i>British – American – European English</i>
	Target culture: <i>UK – US – EU cultures</i>
	Purpose: Academic purposes – <i>Identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly</i>
	Text format: <i>Written</i>
	Guidance for specific terminology: <i>General or Semi-specialised or Specialised terms (according to the hypothetical receiver, text topic and various conditions established)</i> Keyword: personal or professional purpose
Extratextual conditions (ST):	
	Producer: <i>Romanian Courts</i>
	Receiver: <i>UK-US-EU Courts</i>
	Format/ Structure: <i>The text is structured as a Romanian court order</i>
	Aim: <i>Raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances</i>
	Text field/ topic: <i>Civil Law – Family Law</i>
	Function: <i>The material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes</i>

Name of the source text (ST): Desfacerea/Anularea căsătoriei (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Textual conditions (TT):	
	Linguistic conditions: <i>Level of specialisation/ Legal language</i>
	Pragmatic conditions: <i>Equivalence problems (Romanian words without English equivalent)</i>
	Cultural conditions: <i>Aspects of Comparative law (legal system, branch of law)</i>
	Textual conditions: <i>Text category</i>
Translation strategies:	consulting parallel corpora: UK Case-law - UK Case-law US Case-law - https://law.justia.com/cases/ EU Court of Justice Case-law - https://curia.europa.eu/juris/recherche.jsf?language=en consulting official sources: EU Terminology Database - https://iate.europa.eu/home

G.1. Desfacerea/Anularea adopției. Corpus of court orders.

1. DAA_SCSep2018_Aug2021 (A)
2. DAA_SCSep2018_Aug2021 (B)
3. DAA_SCSep2018_Aug2021 (C)
4. DAA_SCSep2018_Aug2021 (D)
5. DAA_SCSep2018_Aug2021 (E)
6. DAA_SCSep2018_Aug2021 (F)
7. DAA_SCSep2018_Aug2021 (G)
8. DAA_SCSep2018_Aug2021 (H)
9. DAA_SCSep2018_Aug2021 (I)
10. DAA_SCSep2018_Aug2021 (J)

G.2. Desfacerea/Anularea adopției. LEX T.O.S.T.A model

Name of the source text (ST): Desfacerea/Anularea adopției (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Translation Brief (TT):	
	Target language: <i>British – American – European English</i>
	Target culture: <i>UK – US – EU cultures</i>
	Purpose: Academic purposes – <i>Identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly</i>
	Text format: <i>Written</i>
	Guidance for specific terminology: <i>General or Semi-specialised or Specialised terms (according to the hypothetical receiver, text topic and various conditions established)</i> Keyword: personal or professional purpose
Extratextual conditions (ST):	
	Producer: <i>Romanian Courts</i>
	Receiver: <i>UK-US-EU Courts</i>
	Format/Structure: <i>The text is structured as a Romanian court order</i>
	Aim: <i>Raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances</i>
	Text field/topic: <i>Civil Law – Family Law</i>
	Function: <i>The material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes</i>

Name of the source text (ST): Desfacerea/Anularea adopției (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Textual conditions (TT):	
	Linguistic conditions: <i>Level of specialisation/ Legal language</i>
	Pragmatic conditions: <i>Equivalence problems (Romanian words without English equivalent)</i>
	Cultural conditions: <i>Aspects of Comparative law (legal system, branch of law)</i>
	Textual conditions: <i>Text category</i>
Translation strategies:	consulting parallel corpora: UK Case-law - UK Case-law US Case-law - https://law.justia.com/cases/ EU Court of Justice Case-law - https://curia.europa.eu/juris/recherche.jsf?language=en consulting official sources: EU Terminology Database - https://iate.europa.eu/home

H.1. Filiația. Corpus of court orders.

1. FIL_SCSep2018_Aug2021 (A)
2. FIL_SCSep2018_Aug2021 (B)
3. FIL_SCSep2018_Aug2021 (C)
4. FIL_SCSep2018_Aug2021 (D)
5. FIL_SCSep2018_Aug2021 (E)
6. FIL_SCSep2018_Aug2021 (F)
7. FIL_SCSep2018_Aug2021 (G)
8. FIL_SCSep2018_Aug2021 (H)
9. FIL_SCSep2018_Aug2021 (I)
10. FIL_SCSep2018_Aug2021 (J)

H.2. Filiația. LEX T.O.S.T.A model

Name of the source text (ST): Stabilire maternitate (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Translation Brief (TT):	
	Target language: <i>British – American – European English</i>
	Target culture: <i>UK – US – EU cultures</i>
	Purpose: Academic purposes – <i>Identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly</i>
	Text format: <i>Written</i>
	Guidance for specific terminology: <i>General or Semi-specialised or Specialised terms (according to the hypothetical receiver, text topic and various conditions established)</i> Keyword: personal or professional purpose
Extratextual conditions (ST):	
	Producer: <i>Romanian Courts</i>
	Receiver: <i>UK-US-EU Courts</i>
	Format/ Structure: <i>The text is structured as a Romanian court order</i>
	Aim: <i>Raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances</i>
	Text field/ topic: <i>Civil Law – Family Law</i>
	Function: <i>The material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes</i>

Name of the source text (ST): Stabilire maternitate (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Textual conditions (TT):	
	Linguistic conditions: <i>Level of specialisation/ Legal language</i>
	Pragmatic conditions: <i>Equivalence problems (Romanian words without English equivalent)</i>
	Cultural conditions: <i>Aspects of Comparative law (legal system, branch of law)</i>
	Textual conditions: <i>Text category</i>
Translation strategies:	consulting parallel corpora: UK Case-law - UK Case-law US Case-law - https://law.justia.com/cases/ EU Court of Justice Case-law - https://curia.europa.eu/juris/recherche.jsf?language=en consulting official sources: EU Terminology Database - https://iate.europa.eu/home

I.1. Înregistrarea tardivă a nașterii. Corpus of court orders.

1. ITN_SCSep2018_Aug2021 (A)
2. ITN_SCSep2018_Aug2021 (B)
3. ITN_SCSep2018_Aug2021 (C)
4. ITN_SCSep2018_Aug2021 (D)
5. ITN_SCSep2018_Aug2021 (E)
6. ITN_SCSep2018_Aug2021 (F)
7. ITN_SCSep2018_Aug2021 (G)
8. ITN_SCSep2018_Aug2021 (H)
9. ITN_SCSep2018_Aug2021 (I)
10. ITN_SCSep2018_Aug2021 (J)

I.2. Înregistrarea tardivă a nașterii. LEX T.O.S.T.A model

Name of the source text (ST): Înregistrarea tardivă a nașterii (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Translation Brief (TT):	
	Target language: <i>British – American – European English</i>
	Target culture: <i>UK – US – EU cultures</i>
	Purpose: Academic purposes – <i>Identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly</i>
	Text format: <i>Written</i>
	Guidance for specific terminology: <i>General or Semi-specialised or Specialised terms (according to the hypothetical receiver, text topic and various conditions established)</i> Keyword: personal or professional purpose
Extratextual conditions (ST):	
	Producer: <i>Romanian Courts</i>
	Receiver: <i>UK-US-EU Courts</i>
	Format/ Structure: <i>The text is structured as a Romanian court order</i>
	Aim: <i>Raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances</i>
	Text field/ topic: <i>Civil Law – Family Law</i>
	Function: <i>The material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes</i>

Name of the source text (ST): Înregistrarea tardivă a naşterii (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Textual conditions (TT):	
	Linguistic conditions: <i>Level of specialisation/ Legal language</i>
	Pragmatic conditions: <i>Equivalence problems (Romanian words without English equivalent)</i>
	Cultural conditions: <i>Aspects of Comparative law (legal system, branch of law)</i>
	Textual conditions: <i>Text category</i>
Translation strategies:	consulting parallel corpora: UK Case-law - UK Case-law US Case-law - https://law.justia.com/cases/ EU Court of Justice Case-law - https://curia.europa.eu/juris/recherche.jsf?language=en consulting official sources: EU Terminology Database - https://iate.europa.eu/home

J.1. Declararea judecătorească a morții. Corpus of court orders.

1. DJM_SCSep2018_Aug2021 (A)
2. DJM_SCSep2018_Aug2021 (B)
3. DJM_SCSep2018_Aug2021 (C)
4. DJM_SCSep2018_Aug2021 (D)
5. DJM_SCSep2018_Aug2021 (E)
6. DJM_SCSep2018_Aug2021 (F)
7. DJM_SCSep2018_Aug2021 (G)
8. DJM_SCSep2018_Aug2021 (H)
9. DJM_SCSep2018_Aug2021 (I)
10. DJM_SCSep2018_Aug2021 (J)

J.2. Declararea judecătorească a morții. LEX T.O.S.T.A model

Name of the source text (ST): Declararea judecătorească a morții (comparing the structural and terminological evolution of court orders from a linguistic perspective, between 2018-2021)	
Translation Brief (TT):	
	Target language: <i>British – American – European English</i>
	Target culture: <i>UK – US – EU cultures</i>
	Purpose: <i>Academic purposes – Identification of specific cultural and terminological elements that highlight various experiential learning activities in the legal translation field and that involve a varied cultural, linguistic and pragmatic background in order to receive and understand these legal elements correctly</i>
	Text format: <i>Written</i>
	Guidance for specific terminology: <i>General or Semi-specialised or Specialised terms (according to the hypothetical receiver, text topic and various conditions established)</i> Keyword: personal or professional purpose
Extratextual conditions (ST):	
	Producer: <i>Romanian Courts</i>
	Receiver: <i>UK-US-EU Courts</i>
	Format/ Structure: <i>The text is structured as a Romanian court order</i>
	Aim: <i>Raise public awareness about the importance of following the law, being well informed about how to take different legal actions in different circumstances</i>
	Text field/ topic: <i>Civil Law – Family Law</i>
	Function: <i>The material, drafted by a legislative authority, is an official document of Case-law, made available to the wide audience for information of research purposes</i>

Textual conditions (TT):	
	Linguistic conditions: <i>Level of specialisation/ Legal language</i>
	Pragmatic conditions: <i>Equivalence problems (Romanian words without English equivalent)</i>
	Cultural conditions: <i>Aspects of Comparative law (legal system, branch of law)</i>
	Textual conditions: <i>Text category</i>
Translation strategies:	consulting parallel corpora: UK Case-law - UK Case-law US Case-law - https://law.justia.com/cases/ EU Court of Justice Case-law - https://curia.europa.eu/juris/recherche.jsf?language=en consulting official sources: EU Terminology Database - https://iate.europa.eu/home

Appendix 2 – Questionnaire Survey

This questionnaire was part of the author's PhD Research in Translation Studies, Doctoral School of Linguistic and Literary Studies in Cluj-Napoca/Romania. The aim of the questionnaire was to determine perceptions about continuous professional development for translators (lifelong learning approaches).

1. What types of CPD do you prefer? (You can choose more than one.)

- Conferences or workshops organised by other professional bodies, in your area of specialisation
- On-line tutorials, webinars and e-learning (MOOCs)
- Reading specialist publications, learned journals and other literature in your specialist subject(s)
- Listening to radio, podcasts, watching TV/films in your source language
- In-house training for translators
- Preparing and delivering lectures, presentations, seminars or workshops
- Mentoring
- Visits to specialist libraries, technical installations or client premises
- Writing articles or website reviews

Please indicate the reasons you prefer the CPD types chosen above.

2. What types of CPD have you engaged with during the past year?

- On-line tutorials, webinars and e-learning (MOOCs)
- Conferences or workshops organised by other professional bodies, in your area of specialisation
- Reading specialist publications, learned journals and other literature in your specialist subject(s)
- Listening to radio, podcasts, watching TV/films in your source language
- In-house training for translators
- Visits to specialist libraries, technical installations or client premises
- Preparing and delivering lectures, presentations, seminars or workshops
- Mentoring
- Writing articles or website reviews

3. How much time do you spend for your continuous professional development per year?

- ☐ 1 week
- ☐ 2-3 weeks
- ☐ 1 month
- ☐ 4-5 months
- ☐ more than 6 months

4. What are the main benefits you have experienced in relation to CPD?

5. What are the main challenges you have experienced in relation to CPD?



Andreea-Maria Sărmașiu, Ph. D., is Assistant Lecturer in the Department of Applied Modern Languages, Faculty of Letters, Babeș-Bolyai University in Cluj-Napoca. She teaches practical courses and seminars at Bachelor's level: translation techniques, written and oral translation, discourse analysis, phonetics and grammar. Her didactic and research interests include legal translation, teaching and learning languages for specific purposes in the digital era, discourse analysis and applied linguistics. Actively engaged in teaching French and English, she is the author of two specialized books: *LIMBA FRANCEZĂ - Culegere de teste grilă pentru admiterea în învățământul superior, Academia de Poliție și Școlile de Poliție ... și pentru exersarea limbii franceze – Ediția a II-a revizuită și adăugită* (2023) and *LIMBA ENGLEZĂ - Culegere de teste grilă pentru admiterea în învățământul superior, Academia de Poliție și Școlile de Poliție* (2020). She is a member of the Centre for the Industries of Language (CIL), Babeș-Bolyai University Cluj.

.....

“The importance of legal translations remains a highly topical issue, given the sensitive nature of the field itself and its major social, cultural and human implications. Differences in the national legal systems in which the source and target languages operate bring additional challenges for the translator, both practitioner and theoretician. In this sense, the book, which brings into question the translatability of legal texts and aims to identify, develop and test appropriate transfer strategies, is part of a series of necessary and still highly topical approaches in the field of Romanian translation studies.”

Professor Teodora Popescu, “1 Decembrie 1918” University of Alba Iulia

“The book fills a gap in the Romanian scholarly literature through its theoretical vision and applied approach. It proposes concrete steps to achieve acceptable legal translations, being necessary primarily for translators, but it also contains useful recommendations for lexicographers and translation theorists.”

Professor Ștefan Oltean, Babeș-Bolyai University of Cluj-Napoca

“The book is valuable both for the contribution it makes to the development of translation studies in general, and of legal translation in particular, and for the original and innovative approach proposed.”

Professor Daniel Dejica, Politehnica University of Timișoara

ISBN: 978-606-37-2160-1

